

AMERICAN PARTIES AND ELECTIONS

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OTHER VOLUMES ARRANGED

AMERICAN PARTIES AND ELECTIONS

THIRD EDITION

BY

EDWARD McCHESNEY SAIT, PH.D.



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452

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PREFACE TO THE FIRST EDITION

Certain features of this book may require an explanation or even an apology.

Complaint has been made, by those who have read the manuscript, that the central figure of the piece—that is, party—makes a belated entrance. Why, they ask, such an extensive and wearisome prologue; why all this preliminary explanation about suffrage, about public opinion, about the activity of organized groups? Is it not a canon of literary craftsmanship, laid down by no less an authority than Virgil, that the reader should be plunged “into the middle of things” at once? To me the prologue seems altogether essential. Party is an instrument of the electorate, the means by which the inchoate mass of voters—whether taken as so many isolated individuals or as a congeries of groups—makes itself politically articulate. Party adjusts conflicting interests, gathers together the fragments of opinion, and imparts some degree of coherence to a disordered and chaotic scene. Before its nature and function can be understood we must have some conception of the materials upon which it works.

Even so, the detailed examination of Negro suffrage or woman suffrage, of the prohibition movement or the agrarian movement, may be viewed with some impatience. In each case I have had a definite object in view. I have tried to explain the tactics of the Anti-Saloon League and the American Farm Bureau Federation, of the Non-partisan League and the American Federation of Labor, because of their intimate relationship with party politics. I have dwelt upon the agitation for woman suffrage because it likewise reveals, better than any abstract treatise on social psychology, the hidden springs of public opinion. In a word, my purpose has been, not to obtrude my own philosophy, but to portray the concrete methods of group propaganda and leave the reader free to frame conclusions for himself. Robert Browning, whom Chesterton regards as the greatest of the English love-poets, never speaks of love; out of the little familiar things of every-day experience he creates the living reality. The living reality of politics can never be conveyed by an abstraction. I have at least had in mind, all through this book, the necessity of describing political processes in the vivid language of experience.

The ward boss is here, I hope, a man of flesh and blood. The significance of the direct primary movement is suggested by the story of La Follette's struggle with the Stalwarts in Wisconsin.

In dealing with the suffrage, as in dealing with party organization later on, my aim has been not only to describe the situation of to-day, but also to explain how it came about. If they are to be comprehended at all, institutions must be placed in their historical setting. Young America should not be left with the impression that the election of hide inspectors is ordained by some eternal law or that the direct primary appears in the first chapter of Genesis. Rückert, a German poet of the last century, imagined a celestial visitor descending, at long intervals, upon a certain portion of the earth's surface and finding now a dreary expanse of ice and snow, now a primeval forest, a smiling valley covered with cattle and crops, or a city lost in the smoke of its throbbing factories; and to the question of how these things originated the invariable answer was, "So it always has been and always will be." In their conception of democracy Americans too often take that very attitude. They do not think of universal suffrage as a comparatively recent innovation, one that has still to vindicate itself and prove its adaptability to the changing social environment. It is precisely because democracy is still new, still in the experimental stage, that, in spite of all its revealed defects, hope may be entertained for its future. We have the power to wreck it or to save it. As long as people treat democracy as a permanent possession, always at hand, like air or water or bread, and therefore little considered or prized; as long as they think it can survive every sort of misuse and misapplication, they are inviting catastrophe.

I have laid tribute upon a great many books, for the most part specialized studies or biographies and memoirs. In so wide a field as is covered here one's own limited experience in politics and one's own first-hand collection of data count for little. It is necessary to rely in the main upon the experience and the research of others. Perhaps my practice of quoting directly and at some length from numerous authorities has been carried too far. I chose that method deliberately. The quoted passage is likely to be more vivid than any paraphrase could be; and the distinction or the picturesqueness of the language may serve to arouse the reader's curiosity and direct him to the book from which it was taken. Above all, for a mastery of this subject, emphasis should be laid upon the importance of wide reading, reading that looks towards a realization of the values in political life rather than towards a familiarity with mere detail.

It is difficult, indeed, to escape from being overwhelmed by a mass of detail. In this country parties and elections are regulated by forty-eight state legislatures. The investigator, who in England can turn to the Representation of the People Act of 1918 and discover what the suffrage requirements are or how the voters are registered and how they cast their ballots, here must burrow into innumerable statutes and amendments to statutes, being forced to repeat forty-eight times the task that in England has to be performed once only. Then, having collected these data, he finds generalization almost impossible. He can define the direct primary in terms of its essential attributes and observe that it is the required instrument for the making of nominations in thirty-eight states. But as soon as he penetrates a little below the surface he meets with an infinite variation of practice. In describing the direct primary, therefore, he is faced with an alternative; either to produce something that resembles a statistical abstract or to give the amount of enlightening information which a foreign secretary accords to the House of Commons at question time. I have followed neither course consistently. Where detail has seemed of value and significance I have given it, hoping that those who are repelled by the dullness of certain chapters will at least recognize my good intentions.

I wish to express my gratitude to those who have assisted me in the preparation of this book; particularly to Professor Frederic A. Ogg, the editor of the series in which the book appears; Professor Arthur W. Macmahon of Columbia University, who has read the manuscript and saved me from many errors in judgment and fact; Dr. Roger J. Traynor of the University of California; Miss Helen M. Rocca, Secretary of Political Education, National League of Women Voters; and Dr. Livingston Jenks, Miss Bessie Murray, and Miss Helen R. Rosenberg, former students of mine at the University of California.

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Pasadena, California.

PREFACE TO THE SECOND EDITION

It is sometimes said, by those who like novelty, that our social institutions are too static. In attempting to revise this book, I have come, unhappily, to a different conclusion. The American system of parties and elections seems to have an infinite capacity for change. Within the space of a dozen years it has been modified in so many respects that, dropping my earlier plan of mere revision, I have rewritten certain chapters completely and others in part. Elsewhere contemporaneous facts have displaced the superannuated, being woven into the text without much alteration of its structure.

Except that five chapters have been added, the table of contents might suggest a reprint rather than a new edition. The original design, appearing to be sound, has been retained; indeed, it would be a sorry business to convey a false impression of metamorphosis by changing the order and titles of the chapters. In the collection of new material I have, at least, made some effort to be thorough. I have consulted the statutes of all the states, for example, and corresponded with all the Democratic and Republican state chairmen. It has not been a simple matter to get the membership of certain parties and interest-groups over a period of years; or to digest the many articles and books that have appeared during the past decade. Perhaps what I have done will be found wanting in accuracy as well as exhaustiveness. To explore the various phases of this complicated subject, and to do so with self-satisfaction, would require more time than has been at my disposal.

I am indebted to Miss Frances Bernard, Mr. Charles Thomson, and Mr. Alexis Kretchmar for help in reading the proof.

E. M. S.

PREFACE TO THE THIRD EDITION

Details constantly change. This book, though confined to a small area, explores it with some thoroughness and so carries much specific information which, even in the space of two years, may become irrelevant. Manifold changes occur. The Supreme Court renders a portentous decision, as in *U.S. v. Classic*; Congress restricts campaign expenditures by the Hatch Act; the Democratic national convention modifies its long-established rule of apportionment; Arkansas devises the unique duplicate ballot; the Communist party takes a new line; Frank Hague ceases to be Democratic boss of New Jersey; voting machines and the system of permanent registration extend their conquests; books and pamphlets enlarge our knowledge of political processes. Wherever we turn we encounter novelties.

I undertook, consequently, more than a nominal revision. While the general structure of the book—even the numbering of the pages—remains the same, much new material has been introduced through the substitution of new sentences or paragraphs or sections. At the same time, discovering or being informed of misstatements, I corrected them.

Aside from consulting printed sources, such as reports and statutes and newspapers, I have corresponded with several hundred persons, mainly public officials and politicians. Here I can do no more than acknowledge generally my debt to them. I am under special obligation to Professor O. Douglas Weeks, of the University of Texas; Professor Austin F. Macdonald, of the University of California; Miss Harriet Root, chief of the federal Bureau of Information; Mr. Paul Kepler, Jr., and Mrs. Frances Bernard Drake.

E. M. S.

CONTENTS

PART I

THE ELECTORATE AND PUBLIC OPINION

CHAPTER		PAGE
I	INTRODUCTORY	3
II	MANHOOD SUFFRAGE	14
III	NEGRO SUFFRAGE AND THE SOLID SOUTH . .	37
IV	WOMAN SUFFRAGE.	76
V	PUBLIC OPINION	107
VI	ORGANIZED GROUPS AND PUBLIC OPINION .	141
VII	AGRARIAN PRESSURE GROUPS	166

PART II

NATURE AND HISTORY OF PARTIES

VIII	PARTY: ITS ORIGIN AND FUNCTION . . .	187
IX	FURTHER OBSERVATIONS ON PARTY . . .	216
X	THE EVOLUTION OF AMERICAN PARTIES .	243
XI	MINOR PARTIES.	280

PART III

PARTY ORGANIZATION

XII	DEVELOPMENT OF ORGANIZATION: CAUCUS AND CONVENTION	307
XIII	DEVELOPMENT OF ORGANIZATION: THE DI- RECT PRIMARY	339

CHAPTER		PAGE
XIV	NATIONAL PARTY EXECUTIVES.	360
XV	STATE AND LOCAL EXECUTIVES	394
XVI	THE BOSS	413
XVII	THE MACHINE	439

PART IV

NOMINATIONS

XVIII	THE DIRECT PRIMARY.	473
XIX	PROBLEMS AND STATUS OF THE PRIMARY . . .	500
XX	THE NATIONAL CONVENTION: COMPOSITION. .	529
XXI	THE NATIONAL CONVENTION: PROCEEDINGS .	555

PART V

ELECTIONS

XXII	CAMPAIGN METHODS	599
XXIII	CAMPAIGN FINANCE	632
XXIV	CORRUPT PRACTICES	654
XXV	THE OVERBURDENED VOTER	680
XXVI	REGISTRATION	710
XXVII	THE CONDUCT OF ELECTIONS	728
	INDEX	773

Part I

THE ELECTORATE AND PUBLIC OPINION

Chapter I

INTRODUCTORY

Opinion changes with circumstance. A hundred and fifty years ago there was a disposition to regard parties as a menace to the state; to think of them as fomenting civil discord and threatening the stability of established institutions.¹ The rise of popular government in the nineteenth century led to another conclusion. With the conquest of political power by the masses, it became evident that parties, far from meriting proscription, serve as an indispensable factor in the democratic process. They perform a necessary function. They state the issues upon which public opinion is brought to a focus and, in their programs or platforms, recommend solutions that will suit numerous individuals and groups, and enable them to cooperate. Without assistance of this kind millions of voters could not find a common ground of action; nothing like a stable majority could be marshalled in support of a coherent program and of candidates pledged to convert it into law. A two-party system, such as prevails in the United States and other English-speaking countries, can discharge this function more effectively than a multiple-party system like the French. When 90 per cent of the electorate adhere to either one of two parties, the contest is simplified. As in a battle between two armies, a trial between plaintiff and defendant, or a debate between affirmative and negative, it assumes the form that can most easily be understood.²

Parties
essential
to popular
government

The old view, that party quarrels are subversive, opening the way to sedition and civil war, did not proceed from the imagination. It had a basis in past experience. At times, interest and opinion have been so sharply divided over some vital concern that one party, instead of acquiescing in electoral defeat, has appealed to the sword, or the other party has consolidated a momentary triumph at the polls by terrorizing its opponents. Under such circumstances democracy cannot survive. It gives way to some form of monarchy, as a beneficent antidote to chaos. The discipline by which the people had learned

They may
overthrow
it . . .

¹ See Chapter IX.

² See Chapter IX.

the lesson of obedience to law, self-restraint, and coöperation, before they could experiment with governing themselves, is reimposed.

... unless
consensus
exists

The very life of democracy depends upon what we call consensus. The democratic community must be a real community, united in devotion to certain fundamental postulates of social control, divided only in the preference for a little more or a little less of the same thing. As long as consensus exists, the alternation of ascendancy between rival parties does not disturb the public calm. The minority, feeling secure in the possession of cherished civil liberties, recognizes the right of the majority to govern. The degree of consensus may be measured by the programs of rival parties. That the major parties in this country have diverged so slightly and divided so seldom on fundamental issues has led perverse critics to denounce them as empty bottles, distinguished only by ancient labels, and to accuse them of conspiring, in their refusal to take a definite stand on important questions, against the public interest. As a matter of fact, the platforms of the Republican and Democratic parties are designed to win the approval of a majority of the electorate. Their likeness reflects a uniformity of disposition in the mass of the voters, who have not been captivated by the offerings of Socialists or Communists. Successive elections have given the major parties an overwhelming vote of popular confidence. Any change in this situation will mean a decline of consensus and a corresponding danger to democracy. It is only a misguided and erratic few who think that the country would be better off if one party stood for the established social order and its rival sought to wreck the whole edifice.

Consensus
permits
no sharp
political
cleavages

The rise of the new monarchies—the so-called dictatorships—has demonstrated the dependence of self-government upon consensus. The compromises by which the two major parties soften their antagonisms, thus presenting to the voters the alternative of a little more or a little less of the same thing, are now less frequently misunderstood and derided. Consider the attitude of Walter Lippmann, for example.³ He has come to the conclusion that the country is better off without a sharp cleavage on some flaming issue of principle, without a political bifurcation that would disrupt national unity. "There are some," he says, "who dream of the day when the people will be divided into two great parties, each with its dogmatic creed, each with its rigorous tests of faithfulness to the creed." Such a development would, he believes, involve the destruction of our

³ "Today and Tomorrow," *Los Angeles Times*, October 26, 1938. For his earlier views see Chapter V.

constitutional system. "Thus we know that democracy becomes unworkable where the voters divide into two or more irreconcilable parties, into parties which no longer profess the same ideals, no longer seek the same general objectives, and are no longer loyal to the same conception of the state. This is the curse of the so-called ideologies of politics, that men think that loyalty to their political program is more important than their loyalty to citizens. Such a state of mind is a condition of latent civil war. It causes a paralysis of government, and such disorder in the daily life of the people that in the end there appears to be no escape and no remedy except force."

The function of parties was not well understood before the nineteenth century. In his Farewell Address George Washington warned the people "in the most solemn manner against the baneful effects of the spirit of party," which was, he said, the worst enemy of popular governments. He did favor the existence of parties in a monarchy. He must have meant that he favored the dilution of the monarchical principle, which attributes sovereign power to the ruler. For the rise of organized opposition in a monarchy implies an intention of dominating the monarch's will, stripping him of discretion, forcing him to adopt policies that he does not like. If he is weak enough to submit, either he will be supplanted by a more energetic ruler, as happened in the case of Nicholas II of Russia, or else he will degenerate into a mere titular head of the state or even be displaced by a republican executive. In a word, a party system is incompatible with absolute monarchy; and its emergence, which usually marks the growing diffusion of political consciousness in the community, involves the régime in immediate danger, and probably in eventual doom. Even in an aristocracy, the limited group of rulers must guard against division in its ranks. Otherwise one faction may be tempted to enlist the help of the populace and, by letting down the barriers to secure momentary advantage, awaken an ambition to substitute mass rule for class rule. The oligarchy that managed the affairs of the long-lived republic of Venice employed ruthless means to crush dissent.

Significance of parties in a monarchy or aristocracy . . .

On the other hand, democratic government must be party government. The voters are so numerous that they find it difficult to express collectively an intelligible opinion. They can do so only when questions are presented to them in a simple form and nothing more than an affirmative or negative answer is required. It is the function of parties to present such issues to the electorate. Naturally, therefore, parties are recognized as having a legitimate, and even a necessary, place in the scheme of democratic government; and the magnitude of

. . . and in a democracy

their task, the continuous effort that must be expended in getting the voters to fix their attention on particular issues and in seeing that the preponderant opinion, when once ascertained, is carried into effect, has required a thorough and efficient organization. Parties are a characteristic feature of democracy. Nevertheless—to repeat, for the sake of emphasis, what has already been said—both democracy and the parties that serve it require a favorable environment; without consensus they could not persist. Such is the verdict that history pronounces, after offering in evidence countless tyrants, dictators, and disguised monarchs who have subdued anarchy with a whiff of grape-shot or its equivalent. Hugh Taylor tells us that “the man on horse-back” comes to the front, when public order dissolves, as “a biological necessity.” Weary of domestic strife, the population in general welcome the reimposition of authority, which may in time recreate consensus. There can be little doubt of the popularity of Mussolini, Stalin, and Hitler.

Parties
incom-
patible
with dic-
tatorship

It is at the price of liberty that the new ruler restores order and exacts obedience. Freedom of speech vanishes, and political parties with it. What Tomskey said of the U.S.S.R. holds equally true of the Italian or German scene: “One party in power, and the rest in jail.” There is, in fact, no party whatever—only a trusted band of adherents, which will crush any symptom of heresy, whether articulate or not. Liberty, of course, is not an absolute right or an absolute good. Like everything else in politics, its scope—and, indeed, its very existence—must be determined by prevailing conditions, by what is expedient at a given place and time. Montesquieu, who saw that practice must be adjusted to satisfy concrete requirements, defined liberty as “a right of doing whatever the law allows.”⁴

Under a dictatorship, which stresses authority and discipline, freedom of association, like freedom of speech, is always severely restricted or forbidden altogether. Hateful as this must seem in self-governing countries, where parties continue to flourish, it may be the appropriate and even inevitable response to peculiar circumstances. The disruptive activities of irreconcilable factions have destroyed consensus; and its restoration requires strong medicine. Extremists, who nowadays assume the false colors of liberalism, are responsible for the disaster.

⁴ *The Spirit of Laws*, Vol. XI, p. 3. In another passage (Vol. XIII) he says: “Liberty consists in the ability to do what one ought to desire and in not being forced to do what one ought not to desire.” Benjamin Kidd somewhere defines liberty as permitting “infinite variation within certain limits,” which is the kind of liberty that the Church allowed to medieval schoolmen.

Yet, in spite of this responsibility, they persist in excoriating dictatorship, wherever found and however caused, and think that they have damned it utterly by calling it Fascism. While many (self-styled) liberals in the United States denounce foreign dictatorship, they pursue at home the very tactics that may wreck consensus. They are busily engaged in sapping and mining—in sowing the seeds of class conflict. The possible consequences can most readily be appreciated when the background of contemporary dictatorships in Europe has been explored.

In this book parties will be considered as the instruments of a democratic community where consensus prevails. In the United States, only once has consensus broken down seriously. Moreover, the cleavage that precipitated the Civil War was sectional, ranging North against South, dividing the people vertically, one might say, not horizontally, as would a rupture over the status of private property in general. There has been no widespread and continuous dissatisfaction with the social system. Of course, the community has not always been democratic.⁵ Parties took shape at a time when the suffrage was restricted by property qualifications.⁶ In that early period, however, they did not display the elaborate organization, the hierarchy of committees and officials, the manifold activities in mobilizing votes and fighting campaigns, with which we are now familiar.⁷ These characteristics are peculiar to the democratic régime, and have been intensified by geographical expansion. The size of the electorate and the country alike placed upon parties a burden that necessitated mechanical efficiency. The apparatus developed in response to circumstances. Perhaps, too, the American temperament—the native organizing genius and tendency to specialize—laid excessive emphasis upon machinery.

American parties as treated here

At the outset our parties organized within the framework of government. The leaders sat in Congress and in state legislatures, or else held executive offices. In the caucus, legislative and congressional, where they made nominations and drew up party manifestoes, they could act with all the more authority because they had received the accolade of popular election.⁸ With the extension of the suffrage, however, with the growth of levelling ideas and the repudiation of upper-class leadership, the nominating caucus was abandoned. Its place was taken by the delegate convention, ostensibly more democratic be-

Their extra-governmental organization

⁵ See Chapter II.

⁶ See Chapter X.

⁷ See Chapter XII.

⁸ See Chapter XII.

cause based on the rank and file of party members, and free from the aristocratic intrigues that were said to vitiate the caucus. For three quarters of a century each party conducted its affairs—nominating candidates, electing committees, formulating platforms—outside of the formal structure of government and through its own representative assemblies, a whole series of them, which corresponded with the various electoral areas and culminated in the national convention.⁹ The national convention still exists.¹⁰ But, after the turn of the century, a new wave of democratic fundamentalism swept away the old machinery in most of the states and substituted what is called the direct primary.¹¹ The members of the party now act directly. Instead of electing delegates and entrusting the business of nomination to these intermediaries, they themselves nominate candidates at the polls. A nominating election within each party precedes the general election between candidates of all parties. Whether the direct primary should be regarded as an improvement remains in doubt. Some abuses have been corrected; some others have grown more obvious; and the new system has revealed faults peculiar to itself. It has not had the anticipated success in dislodging bosses and machines.¹² It has saddled with new and onerous duties a somewhat apathetic electorate, whose competence had already been overtaxed by the multiplicity of elective offices.¹³

Contrasted
with
European
practice

Under the new practice, as under the old, the parties are organized outside the formal agencies of government. Inside these agencies they are organized, it is true, for specific purposes. In the House of Representatives, for example, we encounter the caucus, the committee on committees, the floor leader, the whips, the steering committee; and for a generation the President of the United States has been recognized as the titular chief—and sometimes has made himself the effective chief—of the majority party. Similar phenomena manifest themselves in the several states. We must look elsewhere, however, for the authorities who direct party affairs.¹⁴ Adherents of each party, who are at the same time qualified voters, select at the primaries candidates for public office, delegates to surviving conventions, and executive committees in various electoral areas. In theory, control lies with the

⁹ See Chapter XII.

¹⁰ See Chapters XX and XXI.

¹¹ See Chapters XIII, XVIII, and XIX.

¹² See Chapters XVI and XVII.

¹³ See Chapter XXV.

¹⁴ See Chapters XIV, XV, XVIII-XXI.

rank and file; in fact, the sparsely attended primaries may be manipulated by designing politicians, who consequently manage to dominate the elected committees. European arrangements, on the other hand, offer a marked contrast, although Socialists and other parties of the Left have built up strong extra-parliamentary organizations. The leaders sit in parliament, governing as members of the ministry or expecting to do so when the Opposition triumphs. They determine program and strategy. The party outside parliament acquiesces in their doing so, because, having been invested with representative character, they may be regarded as trustworthy and competent, and because, being in close contact with public problems, they are best qualified to make decisions. A treatise on British parties, therefore, would devote much attention to the House of Commons. But Congress can have no such significance in a survey of the American scene.

The growth of an elaborate party organization outside the mechanism of government can no longer be described as peculiarly American. A tendency in the same direction has become noticeable in other democratic countries. But there is one striking feature of our practice that finds an analogy nowhere else. The parties have lost their original character as private and voluntary associations. Like so many other private enterprises, they have been subjected to public control.¹⁵ Legal regulation, for the purpose of correcting manifest abuses, got under way approximately at the time when Congress began to restrain railroads and trusts. Most of our states prescribe not only what shall constitute a party, but also how its managing committees shall be chosen, its policies formed, its candidates nominated. There are, as will be seen, serious disadvantages in converting parties into public agencies by statutory compulsion. True, the regulation was designed to impose reforms which the parties were unwilling or unable to adopt voluntarily—to break the power of corrupt oligarchies and ensure responsiveness to the popular will. These were laudable objectives. Unfortunately, the regulated direct primary does not strike at the root of disease any more than a variety of other experiments or fads, such as the initiative and referendum, the recall, absent voting, nonpartisan primaries, proportional representation, and the obligatory vote.¹⁶ Little has been done to eliminate the chief sources of our political malady: the dispersion of official power and responsibility, the absurd multiplication of elective offices, and, generally,

Their
regulation
by law

¹⁵ See Chapter IX.

¹⁶ See Chapters XIII, XVIII, XXV.

the burdening of the voter with tasks that are quite beyond his competence to fulfil.¹⁷ Inoculation may arrest an epidemic of typhus; only a pure water supply can guard against its recurrence.

The scope
of this
book

Almost any description of American parties must cover an extensive area. There is much more to discuss than the nature and cause of party and its function in facilitating the play of public opinion and in creating out of the discordant mass of individuals and interest-groups a majority that can control the government.¹⁸ The phases of the subject are numerous; and in most cases they cannot be presented intelligibly apart from the historical background. It is necessary, where the electorate is being considered, to trace the evolution of the suffrage from colonial times.¹⁹ The same historical route must be followed in trying to explain the character of our existing parties and their methods of organization.²⁰ The past is surveyed cursorily, of course, and only for the purpose of making the broad view of development clear. We are chiefly interested in learning how parties are organized, governed, and financed to-day; ²¹ what methods they employ at the present time in putting forward candidates and securing their election; ²² and what rôle the law now plays in the manifold activities of the electorate. Public opinion assumes a good deal of importance in a study of this kind.²³ It must be analyzed, at least briefly; and attention must be given to the influence of the press and of the multitude of organized groups (aside from the parties) which seek to influence public opinion by propaganda or to achieve their ends by other means.²⁴ Such large subjects cannot be dealt with adequately in a textbook. A guide to more specialized information will be found in the footnotes.

How it
regards
American
geography

It was said by Edward A. Freeman that geography and chronology are the two eyes of history. Without some knowledge of dates, no one can fix in his mind the development of our party system. Familiarity with a political map is also indispensable. The map must show something more than the boundaries of the forty-eight states. When considering our parties, it is convenient—and often necessary—to speak in terms of certain sections, certain groups of states. Aside from

¹⁷ See Chapter XXV.

¹⁸ See Chapters VIII and IX.

¹⁹ See Chapters II–IV.

²⁰ See Chapters X–XIX.

²¹ As to finance see Chapters XVII, XXIII, and XXIV.

²² See Chapters XVIII–XXI, XXII, and XXVII.

²³ See Chapter V.

²⁴ See Chapters V–VII.

party politics, these sections may not adequately reflect variations in our national life.²⁵ They do not correspond to the cultural regions which are sometimes proposed as substitutes for the states,²⁶ or to the nine areas of the Census Bureau. Their significance will become plain enough in connection with the history of our parties and with the discussion of various political problems. The map on page 13 indicates their boundaries. It may be profitable to compare them with the census areas and with the areas that are used, for example, by Dr. Gallup in reporting shifts of public opinion. For the purposes of comparison the party areas (first column) have been assigned numbers that differ from the numbers on the map.

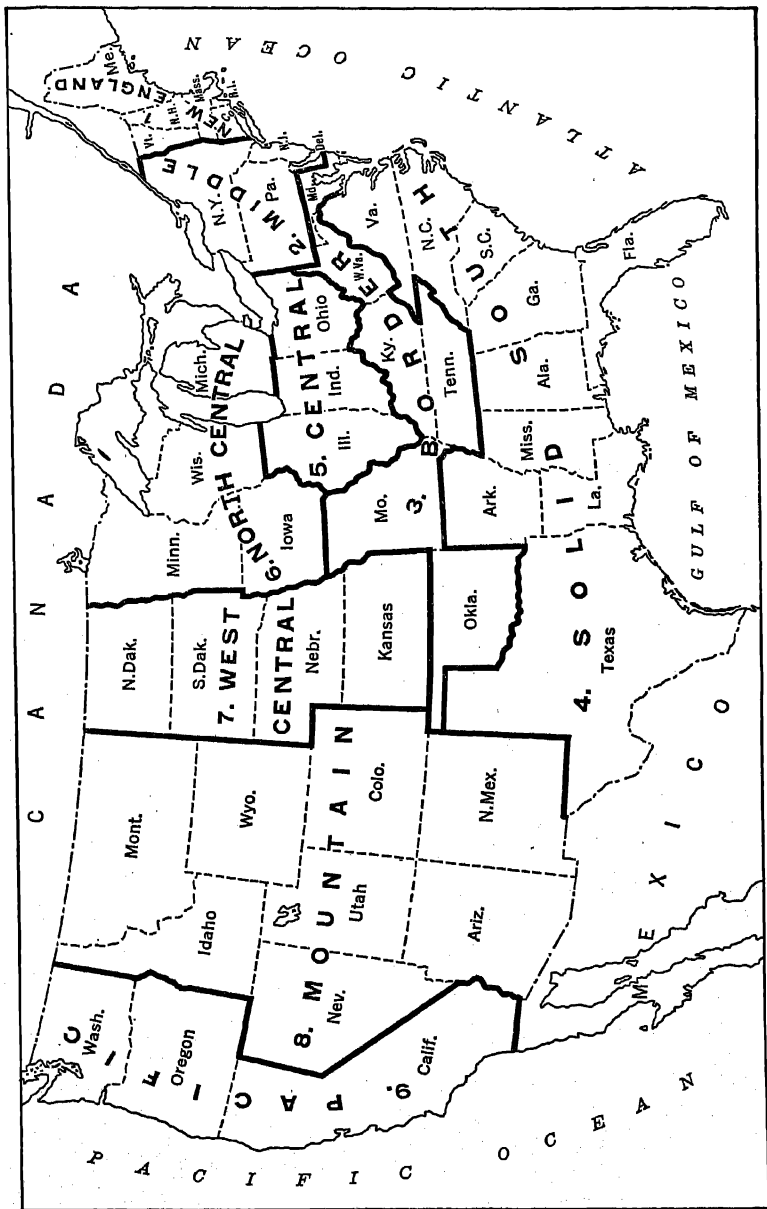
PARTY AREAS	CENSUS AREAS	GALLUP AREAS
1. <i>New England</i> Maine, N.H., Vt., Mass., R.I., Conn.	1. <i>New England</i> Maine, N.H., Vt., Mass., R.I., Conn.	1. <i>New England</i> Maine, N.H., Vt., Mass., R.I., Conn.
2. <i>Middle</i> N.Y., N.J., Pa., Dela.	2. <i>Middle Atlantic</i> N.Y., N.J., Pa.	2. <i>Middle Atlantic</i> N.Y., N.J., Pa., Dela., Md., W.Va.
3. <i>Central</i> Ohio, Ind., Ill.	3. <i>East North Central</i> Ohio, Ind., Ill., Mich., Wis.	3. <i>East Central</i> Ohio, Ind., Ill., Mich.
4. <i>North Central</i> Mich., Wis., Minn., Iowa	4. <i>West North Central</i> Minn., Iowa, Mo., N.D., S.D., Neb., Kansas.	4. <i>West Central</i> Wis., Minn., Iowa, N.D., S.D., Kan., Neb., Mo.

²⁵ The national government makes use of a large number of different administrative districts. Thus the department of agriculture divides the country into two areas for one purpose and into 225 for another; and for still other purposes into 3, 7, 8, 12, 39, 44, 48, 106, and 204 areas. W. B. Graves, "The Future of the American States," *American Political Science Review*, Vol. XXX (1936), p. 36. There is no tendency towards standardization, except in the treasury department, where eight different banking services make use of the same twelve districts. Graves, p. 35.

²⁶ See, for example, W. Y. Elliott, *The Need for Constitutional Reform* (1935), pp. 190-191. Professor Elliott suggests, in rather uncertain outline, eleven regions. They have little relation to party life. "This is intended," he says, "as no more than a suggestion of principle. In a slightly different form it has been proposed by President Hoover's Committee on Social Trends. The actual balances of such regions for a new and effective federal system would require most careful study."

PARTY AREAS	CENSUS AREAS	GALLUP AREAS
5. <i>West Central</i> N.D., S.D., Neb., Kansas	5. <i>Mountain</i> Mont., Idaho, Wyo., Colo., Utah, Nev., Ariz., N.M.	5. <i>Western</i> Mont., Idaho, Wyo., Colo., Utah, Nev., Ariz., N.M., Wash., Ore., Calif.
6. <i>Mountain</i> Mont., Idaho, Wyo., Colo., Utah, Nev., Ariz., N.M.	6. <i>Pacific</i> Wash., Ore., Calif.	6. <i>Southern</i> Va., N.C., S.C., Ga., Fla., Ala., Miss., La., Ark., Texas, Ken., Tenn., Okla.
7. <i>Pacific</i> Wash., Ore., Calif.	7. <i>South Atlantic</i> Dela., Md., Va., W.Va., N.C., S.C., Ga., Fla.	
8. <i>Border</i> Md., W.Va., Ken., Tenn., Mo., Okla.	8. <i>East South Central</i> Ken., Tenn., Ala., Miss.	
9. <i>Solid South</i> Va., N.C., S.C., Ga., Fla., Ala., Miss., La., Ark., Texas	9. <i>West South Central</i> Ark., La., Okla., Texas	

It is hard to understand why Dr. Gallup should use such a sectional grouping; for he is concerned with public opinion as evidenced, particularly, by the party cleavage. From the standpoint of both historical and existing factors the ten states of the Solid South should not be linked with the border states of Kentucky, Tennessee, and Oklahoma; or the six border states dispersed among three different sections; or the Pacific states forced into the same category with the Mountain states. Anyone who has analyzed presidential elections over a considerable period will see the pertinence of such criticisms. He will also understand that the "party areas," as they appear on the map, reflect better than any alternative arrangement the realities of our political life.



AMERICAN POLITICAL AREAS

Chapter II

MANHOOD SUFFRAGE

Relation
of party
to the
electorate

The best approach to party is through the electorate and the methods by which the electorate gives expression to its will. Without some preliminary knowledge of the suffrage laws, as they have evolved and as they now stand in the United States, many questions of importance would be clouded in obscurity. How, for example, could we explain the simplicity of party organization in Hamilton's time as against its complete elaboration in Farley's? Machinery has grown more and more elaborate in proportion to the magnitude of the task. What sufficed for the service of a rural population of five millions,¹ when not half the adult males were entitled to vote, would now prove absurdly inadequate. The democratic régime requires something more than improvised methods.

What do we mean by democracy? The label has been attached to the most diverse objects. One writer calls it a form of Christianity, "a perfect and complete philosophy of life";² another, a state of mind

¹ The population of the United States was 3,929,214 in 1790; 5,308,483 in 1800; and 7,239,881 in 1810. At the time of the first census only 3 per cent of the population lived in towns having more than 8,000 inhabitants.

² Paul Kester, *Conservative Democracy* (1919), p. 1. At this point the observations of Representative Samuel B. Pettengill of Indiana are apposite:

"Mr. Speaker, the town hall of the air recently held a radio discussion on the meaning of democracy. There are few, if any, dictators today who do not assert that his Government is a democracy. In this country many who carry the banner of democracy pursue 'liberal' ends by illiberal means. For these reasons it is of prime importance to ask ourselves, What is democracy?"

"It seems to me that in today's modern babel of voices, definitions are of first importance. How can we agree on programs, means, unless we first agree on the end we wish to attain?"

"I have tried to define democracy within 100 words. I hope that others will attempt a better definition. I wish every teacher in America would ask his pupils, What is democracy? I wish school superintendents and school boards would encourage this question to be asked, and the newspapers everywhere would print the best answers. That would help to define democracy to ourselves, and from it we might find that democracy is, after all, something we really do not wish to let go by default. To start the discussion, I append my own 100-word definition: Democracy is a way of life based on the consent

that emphasizes liberty, equality, and fraternity.³ Walter Lippmann contends that democracy is "ever so much deeper, and more intimate and more important than any theory of government";⁴ and similar language is encountered with some frequency.⁵ We must be on our guard, however, against the capricious use of terms, against the tendency of some authors to ignore established usage and coin erratic meanings of their own. Etymologically the word has signified, since the time of Plato and Aristotle, government by the people.⁶ H. G. Wells is right in saying that "unless democracy is thus defined, its meaning will flap away into the wildest contradictions."⁷ A different view can be justified, in some degree, only because the word has acquired among certain peoples, as Bryce observes,⁸ "attractive associations of a social and indeed almost of a moral character." Nevertheless, Bryce insists that it "denotes nothing more than a form of government."

In order to clarify our definition, we must proceed still further. It implies Where is the border-line between oligarchy or aristocracy on the one univer- hand and democracy on the other, between government by the Few sal suf- frage . . .

of the governed, whose method is discussion, and spirit, toleration; which acknowledges the dignity of man as a child of God; erects no barrier of law or caste to the richest development of inborn capacity; secures to each the fruit of honest toil; enshrines justice as the essential bond of society; condemns privilege as the betrayal of that bond; is dedicated to the proposition that happy citizens alone can constitute a great state; and that the state is not an end but only a means to the greatness of man." *Congressional Record*, June 24, 1938, pp. 13024-5.

³ W. M. Sloane, *The Powers and Aims of Western Democracy* (1919), p. 14.

⁴ *Public Opinion* (1922), p. 256.

⁵ For example, Professor J. MacCunn (*Six Radical Thinkers*, 1919, p. 197) maintains that "democratic government is not the whole of democracy. It is but one, and among the later of its forms," finding its way into the political constitution because it has so long existed elsewhere. See also F. J. C. Hearnshaw, *Democracy at the Crossways* (1918), p. 12. Dr. H. E. Barnes speaks more correctly when he says (*Sociology and Political Theory*, 1924, p. 4) that democracy also "implies a type of society." That is its derivative, not primary, meaning.

⁶ As Sir Henry Maine says (in *Popular Government*, 1886 ed., p. 59), it "means simply a particular form of government . . . ; it is simply and solely a form of government."

⁷ See Chapter IV of *The Way the World Is Going* (1929).

⁸ *Modern Democracies* (2 vols., 1921), Vol. I, p. 23. "Democracy," Bryce says, "is supposed to be the product and the guardian both of Equality and Liberty, being so consecrated by its relationship to both these precious possessions as to be almost above criticism." He adds, however, that it is separable from both.

and government by the Many? It is a trifle puzzling to be told by Professor Hearnshaw that democracy "flourished" in twelfth-century England, when most of the people were bound to the soil as serfs;⁹ and by Professor Burgess that it was introduced, some 700 years later, by the Reform Act of 1832, which enfranchised less than 5 per cent of the population.¹⁰ Even after the legislation of the next half-century the electorate did not include all adult males. Did England become a democracy in 1867, or in 1884? Perhaps there is room for difference of opinion. "No one," Bryce observes,¹¹ "has propounded a formula which will cover every case, because there are governments which are 'on the line,' too popular to be called oligarchies, and scarcely popular enough to be called democracies." Nevertheless, without the establishment of universal suffrage democracy cannot be fully achieved. Nowadays there is a disposition to say that suffrage becomes universal only when all adult inhabitants, women as well as men, have been included in the electorate. Sidney Webb (Lord Passfield) takes that view.¹² But the extension of the ballot to women is a phenomenon of very recent times. Until the present century, manhood suffrage was regarded as the equivalent of universal suffrage.

... which
is a
product
of last
century

Democracy, conceived in terms of a government resting on manhood suffrage, is a creation of the nineteenth century. If we take no account of slavery and consider only the free population, the republics of antiquity may be classified as democracies. All adult male citizens were entitled to sit in the assembly of Athens. They constituted, however, no more than 10 or 12 per cent of the inhabitants. The citizens—men, women, and children—were less numerous than the slaves,

⁹ *Op. cit.*, p. 124.

¹⁰ *Political Science and Comparative Constitutional Law* (2 vols., 1890), Vol. II, p. 95. The legislation of 1867 did not extend the vote to agricultural wage-earners, yet it went so far beyond the arrangements of 1832 as to be called "the leap in the dark." Carlyle used the phrase "shooting Niagara." The enfranchisement of the urban proletariat dismayed a good many middle-class politicians. Looking for a palliative, Robert Lowe exclaimed, "We must educate our masters!"

¹¹ *Op. cit.*, Vol. I, p. 22. Bryce continues: "But though we cannot define [with preciseness] either oligarchy or democracy, we can usually know either the one or the other when we see it. Where the will of the people prevails in all important matters, . . . that may be called a Democracy."

¹² *A Constitution for the Socialist Commonwealth of Great Britain* (1920), p. 60. "All the adult inhabitants," says Webb. That phrase is too inclusive. Perhaps it takes for granted the barring of resident aliens in case that class is not relatively large and serious obstacles are not put in the way of naturalization.

not to speak of the large class of resident aliens. Indeed, in the time of Pericles (457 B.C.) political rights became the monopoly of a closed caste; henceforth citizenship could be acquired only by inheritance from a mother and father who were themselves citizens. It is a mistake to think of the French Revolution as setting up democracy in France. The middle-class deputies diluted the principle of equality when they framed the constitutions of 1791 and 1795. Along with tax-paying qualifications came indirect election, with higher requirements at the second stage. Napoleon, it is true, invoked the plebiscite, giving to his régime the illusion—without any approach to the reality—of popular control. But, with the restoration of the Bourbons, even that illusion vanished; the vote was now restricted to persons who paid a direct tax of 300 francs. In the Old World the democratic impulse had to combat hostile prejudices, entrenched interests, traditional class distinctions. Against such obstacles—now advancing and now retreating—it made slow progress. Triumph came suddenly in France, when the Second Empire collapsed in 1870. It came gradually in England, bit by bit, as successive classes won their way to political recognition. First, the monopoly of landed wealth gave way before the new wealth of manufacture and commerce; then, after a period of middle-class ascendancy, the door was opened successively to the urban proletariat in 1867 and to the agricultural workers in 1884. Thus, in a series of stages, spread over more than half a century, and by complicated statutory provisions, the English parliament reached an approximation to manhood suffrage without openly acknowledging the principle or the doctrine.

To France and England alike democracy came late in the nineteenth century. In the United States, on the other hand, we look back more than a hundred years to its establishment. In 1828, when Jackson was elected to the presidency, full manhood suffrage prevailed in fourteen of the twenty-four states; and the property qualification, which had been universal in the eighteenth century, survived in four only. Let this be clearly understood, however: we look back to Jackson's time, not to Jefferson's. If, in 1787, the framers of the Constitution condemned, in the words of Edmund Randolph, the turbulence and follies of democracy and if they felt, in the words of Alexander Hamilton, that the people seldom judge or determine right, they were reflecting the convictions entertained by men of substance everywhere. Even Thomas Jefferson supported, in 1776 and 1783, a property qualification for the suffrage in Virginia; and in later years, while

Modern
democracy
born in
America

endorsing the principle of manhood suffrage, he did not regard it as an essential element of Republican faith.¹³ Nor did his followers generally accept it during his lifetime. Democracy must be associated with the period of Andrew Jackson rather than with the period of Thomas Jefferson. At the close of the Revolutionary War the right to vote depended upon the possession of property in every state but Pennsylvania, where the payment of public taxes was required, and South Carolina, where the payment of a tax equal to the tax on fifty acres of land was an alternative to the property qualification. Nevertheless, in view of the wide diffusion of landed property, the electorate was relatively much larger than in England; and, although in some of the original states restrictions persisted for more than half a century, the United States has the distinction of being the first country to establish manhood suffrage. The main features of this evolution may be stated briefly.

SUFFRAGE IN THE COLONIES ¹⁴

Religious
tests in
New
England

The property qualification, which made its appearance during the latter part of the seventeenth century, became universal in the eighteenth.¹⁵ For this reason, and because of its continued importance after the Revolution, it deserves a careful analysis. Something must first be said, however, about the religious and moral tests which were so characteristic of New England in the earlier colonial period. The governments of Massachusetts Bay and New Haven, less definitely those of Plymouth and Connecticut,¹⁶ were of a theocratic cast. In Massachusetts Bay a law of 1631 declared that "for time to come noe man shalbe admitted to the freedome of this body pollicicke, but such as are members of some of the churches within the lynmitts of the same." What constituted church membership? Under this close union of church and state the secular arm reached out to maintain the orthodox faith and punish heresy; the approval of the magistrates and of the

¹³ C. A. Beard, *Economic Origins of Jeffersonian Democracy* (1915), pp. 457 and 461.

¹⁴ A. E. McKinley, *The Suffrage Franchise in the Thirteen English Colonies in America* (1905). See also Cortland F. Bishop, *History of Elections in the American Colonies* (1893).

¹⁵ For some time an approximation to manhood suffrage prevailed in Maryland, Virginia, and North Carolina.

¹⁶ In Plymouth a certificate of religious character or some proof of orthodoxy might be required. McKinley, *op. cit.*, p. 344. In Connecticut church membership was probably required in the practice of early days, though not by law. *Ibid.*, p. 389.

elders of existing churches was required for the recognition of a new church. The religious test, rigidly applied, led to the exclusion of three-fourths or more of the adult males.¹⁷ When the English authorities insisted upon its abandonment, the legislature of 1664 devised an ingenious system which, while apparently making large concessions, in practice kept theocracy intact. The church-membership test was retained, but in a disguised form and with an alternative; others could vote provided they were twenty-four years of age, of good character (this to be attested by a certificate), inhabitant householders, and freeholders paying a tax of ten shillings in addition to the poll tax. Few could satisfy this tax requirement. Thus Puritan ingenuity, by such indirect methods as were employed against the Southern Negroes two centuries later, disfranchised the heterodox for another twenty years. The New Haven theocracy had a shorter life, lasting from 1639 to 1664. All the New England colonies, even when the voters were not required to be orthodox churchmen, laid emphasis upon moral character. Thus in Plymouth "such as are Judged by the Court grosly scandalouse as lyers drunkards Swearers etc." might be disfranchised. It should be observed that Baptists, Quakers, Roman Catholics, and Jews frequently found themselves excluded from political rights, though not in all the thirteen colonies.

That land should have been the normal basis of colonial suffrage need occasion no surprise. Land was, in America even more emphatically than in England, the dominant form of wealth and remained such until the age of power-driven machines and the factory system. In England, under a statute which dated back to 1430, the county franchise extended only to forty-shilling freeholders—that is, only to those who held "free Land or Tenement to the value of Forty Shillings by the Year at the least above all Charges"; and the English precedent, though modified by colonial conditions—by the Puritan ideals of New England, by the frontier spirit of equality, and by the easy acquisition of land—exerted a powerful influence. For a time, in three colonies, the suffrage attached to freemen as distinguished from freeholders—until 1670 in Virginia and Maryland, and for some years before 1729 in North Carolina. But these experiments with manhood suffrage conflicted with the principles that generally prevailed in the seventeenth century. Thus the governor and council of Maryland, answering the complaints of poor freemen who, though subject to taxation, were now deprived of political rights, said in 1676: ¹⁸

Voting
rights
based
on real
property

¹⁷ McKinley, *op. cit.*, pp. 313 and 334.

¹⁸ *Ibid.*, p. 65.

As to the votes of freemen who have neither lands nor visible personall Estate, in the Eleccion of Delegates for the Assembly we doe say, that as the Lord Proprietary can call assemblys by his Patent whensoever & in what manner to him shall seeme most fitt and convenient, Itt is no wonder that he should chuse this as the fittest & most convenient manner, & most agreeable, to the Lawe and Custome of England For what man in England can be admitted to the Election of Parliament men that hath not a visible Estate in lands or Goods? nay are there not infinite numbers concluded in Parliament without vote in the Elections, though they have great Estates both in lands and Goods? As namely all unmarried women be their Estates in lands never so great, & all both men and women living out of Corporations, having no Estates in land be their Personall Estate never so considerable. This we say to the point of reason and law. But if itt be thought an unkinde way of preceeding with the poore freeman, or that the freeman be deerer To the freholder than himself his Wife children & fortune, & that they will needs submit themselves and all that is deare to them to be disposed of by the votes of the freemen that have nothing & that can as easily carry themselves out of the reach of Lawes by themselves made, to the prejudice of the freholder as change their Cloathes Wee do promise to propound the case of the indigent freeman to his Lord^{pp} at his return. . . .

But alter-
native
qualifica-
tions in-
troduced

The freehold qualification, when first imposed, did not always involve the ownership of a stated amount of land. But later, as a more exclusive spirit came to prevail, the laws required a minimum which was based either upon income from the land (as in England), or upon the value of the land, or upon its size in acres. Income or value was the legal criterion in the New England colonies and New York; size, elsewhere. Where the requirement was based upon area, it obviously worked to the disadvantage of the townsman, whose house and lot, though more valuable, perhaps, than a fifty-acre farm, would not entitle him to vote. Justice demanded that the town franchise should be differentiated from the country franchise, as in England; or that a personal-property qualification should be established generally as an alternative to the freehold qualification. Both of these methods were adopted. In Georgia alone was no concession made during the colonial period. The qualifications varied in the nine towns of North Carolina, where sometimes those in possession of any freehold, sometimes those occupying or owning a house, could vote. In certain towns of Virginia and New Jersey—as in Annapolis, Maryland—freeholders and inhabitant householders could vote; in the towns of South Carolina, those possessed of real estate worth sixty pounds on which taxes had been paid. The owner of a town lot and a house twelve feet square was qualified in any Virginia town. Even in New York, where the free-

hold requirement was expressed not in area but in value, a freemanship qualification might be obtained in Albany and New York City by apprenticeship or purchase; and in New York City the landless freemen constituted 40 per cent of the electorate.¹⁹ But, aside from special franchises affecting the towns alone, five colonies (doubtless chiefly in consideration of the towns) recognized personal property as an alternative to real estate: Pennsylvania, fifty acres or fifty pounds personalty; Delaware and Maryland, fifty acres or forty pounds personalty; Connecticut and Massachusetts, lands yielding forty shillings a year or forty pounds personalty. In South Carolina the alternative was a tax-payment of ten shillings.

It will be observed, then, that, while land may be regarded as the normal basis of the suffrage immediately before the Revolution, alternative qualifications had come into existence. Some did not apply to the counties; but others (personal property in five colonies, a ten-shilling tax-payment in South Carolina) were of general application. These alternatives foreshadowed the future evolution toward manhood suffrage, the first step being to substitute personalty for realty, and the second to substitute the payment of taxes for every kind of property. Subject to the exceptions that have been noticed, the suffrage qualifications at the close of the colonial period may be expressed as follows: (1) *Fifty-acre freehold*: Delaware, Georgia, Maryland, North Carolina, Pennsylvania, and Virginia (alternative in Virginia, twenty-five acres and a house twelve feet square). (2) *One-hundred-acre freehold*: New Jersey (alternative, fifty pounds personalty and some land) and South Carolina (alternative, a settled plantation). (3) *Forty-shilling freehold*: Connecticut, Massachusetts, and Rhode Island (alternative, a freehold worth forty pounds). (4) *Freehold in terms of value*: New Hampshire, fifty pounds; New York and Rhode Island, forty pounds.

Situation at close of the colonial period

Forty-shilling freeholds and ten-shilling tax-payments convey no precise meaning in America to-day. We are led to inquire what proportion of the people could vote under such qualifications. Unfortunately, there is no reliable method of determining the size of the potential electorate. It was only by inference from rather complicated data that Dr. J. F. Jameson, fifty years ago, reached an estimate for Massachusetts.²⁰ According to his conclusions, four-fifths of the adult males, or something like 16 per cent of the population, could have claimed the right to vote. Accepting these figures and recalling,

¹⁹ McKinley, *op. cit.*, p. 281.

²⁰ "Did the Fathers Vote?" *The New England Magazine*, January, 1890.

doubtless, that freeholds were more widely distributed in New England than in other regions, Dr. C. A. Beard argues that probably "nowhere were more than one-third of the adult males disfranchised by property qualifications."²¹ To express his meaning in other terms, at least 13 per cent of the whole population could have voted in any one of the states.

There is some justification for considering this estimate too high. The potential electorate stood at 9 per cent in Rhode Island, according to Dr. McKinley;²² at 8 per cent in rural Pennsylvania and only at 2 in Philadelphia.²³ What we know about the actual vote may well increase our skepticism. The highest percentage of popular participation in some elections of 1788, as listed by Dr. Charles O. Paullin, was 3.6 in a Maryland congressional district.²⁴ Dr. Jameson shows that for half a dozen years preceding Shays' Rebellion the percentage in Massachusetts remained in the neighborhood of 2 and that it did not rise as high as 6 in 1787, at a time of great political excitement. Now, Dr. Beard explains the disparity between the potential vote and the actual vote by popular indifference.²⁵ So does Dr. McKinley, who instances also, as contributing factors, poor means of communication, large electoral districts, and the absence of party organization.²⁶ Nevertheless, the difference between 2 per cent and 16 in Massachusetts is rather extensive to be explained on these grounds; and there was very little apathy in 1787, when the percentage still fell below 6. It seems necessary to revise Dr. Beard's figure and assume that, throughout the country, not more than half the adult males could meet the requirements.

²¹ *An Economic Interpretation of the Constitution of the United States* (1913), p. 242.

²² *Op. cit.*, p. 472.

²³ *Ibid.*, p. 292.

²⁴ "The First Elections under the Constitution," *Iowa Journal of History and Politics*, Vol. II (1904), pp. 3-13.

²⁵ "Far more were disfranchised through apathy and lack of understanding of the significance of politics. It is a noteworthy fact that only a small proportion of the population entitled to vote took the trouble to go to the polls until the hot political contests of the Jeffersonian era. Where voting was *viva voce* at the town hall or the county seat, the journey to the polls and the delays at the elections were very troublesome." *Op. cit.*, p. 242.

²⁶ *Op. cit.*, p. 488.

DEMOCRATIZATION OF THE SUFFRAGE ²⁷

Neither in America nor in Europe has the expansion of political privilege rested on abstract doctrine. The chief consideration has been expediency, the welfare of the state. As successive classes have advanced in enlightenment, in economic power, and in political consciousness, they have insisted upon recognition. This may be seen most clearly in England, where, one after the other, the middle classes, the city proletariat, the agricultural workers,—in all these cases the males alone,—and finally the women were admitted to the electorate during the course of a century. The rural wage-earners lagged behind the urban wage-earners for various reasons, but mainly because, being scattered, they found organization difficult. Women, because of tradition, because of their secluded lives, and because of their slow emergence into the business activities of the community, were the last to press their claims. Somewhat the same phenomena may be observed in America.

Reasons
for extension
of
suffrage

Theory, unless it rests firmly upon economic tendencies and serves to clarify the developing popular thought, exerts little influence. Thus, although the theory of natural right was propounded throughout the controversies over the elective franchise, it never became the basis of action. Suffrage was thrust upon the Southern Negro after the Civil War, not because he was entitled to it, as so many professed, but because that course would work to the advantage of the Republican party and act as a bar to the reestablishment of slavery. Otherwise, why did the Northern and Western states still exclude the Negro from the suffrage while they compelled the Southern states to admit him? ²⁸ Natural right, since it must be present from birth, would enfranchise children; since it has no political limits, it would enfranchise aliens; and since it is not dependent upon mental character, it would enfranchise criminals and lunatics. "If there is one thing settled," said Elihu Root, "it is that voting is not a natural right, but simply a means of government." ²⁹ In the exaltation of the moment and in order to justify a particular line of conduct, the Declaration of Independence asserted that all men are created equal and that governments derive

Abstract
ideas of
little
weight

²⁷ Kirk H. Porter, *History of Suffrage in the United States* (1918).

²⁸ See Chapter III.

²⁹ So Judge Cooley in *General Principles of Constitutional Law* (p. 240): "Suffrage cannot be the natural right of the individual because it does not exist for the benefit of the individual but for the benefit of the state itself."

their just powers from the consent of the governed. Little will be found in the early state constitutions to support this thesis. Thus the Maryland constitution (1776, article V): "Every man, having property in, a common interest with, and an attachment to the community ought to have a right to the suffrage." Or Virginia (1776, section 6): "All men, having sufficient evidence of permanent common interest with, and attachment to the community, have the right of suffrage." Almost the same language is employed in the Pennsylvania constitution of the same year. The constitution of Massachusetts (1780, article IX) gives the vote to those "having such qualifications as they shall establish in their frame of government"; and that of New Hampshire (1784, article X), to those "having the proper qualifications." Not one of the states approached more closely to any theoretical assumption.

The Revolution introduced few changes

In sum, the Revolution brought about no marked change in the suffrage laws. Discontent had been aroused, not by the domestic political institutions which the colonists themselves had built up, but by restrictions which an external authority had imposed. The position of the propertied classes remained almost as secure after, as it had been before, independence. It is true that eight of the thirteen states had modified their practice. Four adhered in principle to the existing tests, but, in the case of Massachusetts, increased the qualifying values, or, in the case of Maryland, New York, and South Carolina, made them less onerous.³⁰ New Jersey and Georgia substituted personal property for land,³¹ the latter also allowing mechanics to vote. Pennsylvania and North Carolina (the latter for the election of assemblymen only) abandoned property in favor of tax-payments, without specifying the amount of taxes. This summary statement shows that no serious inroads had yet been made upon the privileges of property, which, indeed, maintained in most states a second line of defence in the form of high personal-property qualifications required for membership in the legislature.³² According to Professor

³⁰ Massachusetts now required a freehold yielding £3 or personalty of £60; Maryland reduced the personalty requirement to £30; New York reduced the freehold requirement to £20, added as an alternative a forty shilling leasehold, and also required the payment of state taxes; South Carolina now required a fifty-acre freehold or a town lot or the payment of a tax equal to the tax on fifty acres.

³¹ In New Jersey, however, a freehold of £100 was required in the election of senators.

³² See the tables compiled by F. N. Thorpe, *Constitutional History of the American People, 1776-1850* (2 vols., 1898), Vol. I, pp. 68 *et seq.*

Thorpe, the voters constituted only 3 per cent of the population.³³ Nevertheless, a liberalizing tendency was at work; and, when once that tendency had been set in motion, it steadily gathered momentum. Before the end of the century three of the original states followed Pennsylvania in setting up a tax-payment as the sole qualification for the suffrage (New Hampshire in 1784, Georgia in 1789, and Delaware in 1792); and three new states entered the Union with manhood suffrage (Vermont in 1791, Kentucky in 1792, and Tennessee in 1796).³⁴ New Hampshire and Georgia dropped even the tax qualification in 1792 and 1798 respectively.

In the early part of the nineteenth century a number of different influences combined to batter down the decaying principle of aristocracy in American politics. The most impressive of these and the most immediate in its effects came from the newly settled region of the West. There land was plentiful and easily acquired. The homesteading pioneers were alike in the privations that they suffered and in the rude comforts that they won from the soil. Social conditions assumed a remarkable uniformity; and the equality of economic life reflected itself in politics. Where men were substantially equal in possessions there was no reason to discriminate in defining political rights; and Ohio alone among the new states erected in the West entered the Union with a restriction on the suffrage, this taking the form of a tax-paying test that was not abolished till 1851.³⁵ The equalitarian ideals of the West, flowing strongly from economic circumstance, served to encourage the democratic movement as it made headway in the East. The normal growth of population along the Atlantic seaboard would, by itself alone, have gradually increased the proportion of landless and voteless men. Further, as the value of land increased, men acquired it under mortgages that withheld title until the last payment had been made.³⁶ An inevitable difficulty was aggravated by the growth of manufacture, and consequently of the

Democratic impulse of early nineteenth century

³³ Thorpe, *op. cit.*, Vol. I, p. 97. Also C. A. Beard, *An Economic Interpretation of the Constitution* (1913), Chapter IX.

³⁴ Tennessee is incorrectly cited by Porter as having a property qualification. What the constitution says is that freeholders may vote in the county without the residence of six months required of other persons (1796, Article III, Section I).

³⁵ In the South two states were admitted with a tax-paying qualification—Louisiana in 1812 and Mississippi in 1817. This qualification was abolished in 1845 and 1832, respectively.

³⁶ D. R. Fox, *The Decline of Aristocracy in the Politics of New York* (1919), p. 229.

wage-earning class. Machines, driven by water or steam, were beginning to transform industry. By 1815, for instance, cotton mills employed some 76,000 persons, a third of these in the neighborhood of Providence. The population of Boston doubled in twenty years; in thirty years that of New York quadrupled, chiefly in the "mechanic wards." President Fox, speaking of New York, says: ³⁷ "It was a new people who, in the last years of the second decade of the nineteenth century, demanded a revision of the constitution" and admission to the franchise.

Its
triumph in
New York

In 1821, when the New York constitutional convention assembled, the property qualification had disappeared in all but six states.³⁸ Maryland abandoned it in 1810, Connecticut in 1818.³⁹ Maine entered the Union in 1819 with manhood suffrage. No one could misinterpret the signs. The future lay with democracy. Its portentous advance, while viewed with complacency by most of the convention delegates, filled the small but devoted band of Federalists with gloomy apprehension. When the committee on suffrage proposed to abolish the property test, Chancellor Kent condemned "our apparent disposition to vibrate from a well-balanced government to the extremes of democratic doctrines. Such a proposition as that contained in the report [of the suffrage committee], at the distance of ten years past, would have struck the public mind with astonishment and terror."⁴⁰ But the Federalists, though superior in intellectual power and argumentative resource, could not prevail against the Republican majority. They vainly tried to save a part of their defences by proposing that only two-hundred-and-fifty-dollar freeholders should be qualified to vote for senators. It was on this question that Chancellor Kent delivered what was afterwards described as "an elegant epitaph" of the old order.⁴¹

Dare we flatter ourselves [he asked, when he had painted the calamities democracy had brought upon republics of the old world] that we are a peculiar people, who can run the career of history exempted from the passions which have disturbed and corrupted the rest of mankind? . . . The men of no property, together with crowds of dependents connected with the great manufacturing and commercial establishments and the mot-

³⁷ *Op. cit.*, p. 230.

³⁸ Massachusetts, New Jersey, New York, North Carolina, Rhode Island, Virginia.

³⁹ Maryland established manhood suffrage; Connecticut maintained a tax-payment qualification until 1845.

⁴⁰ Fox, *op. cit.*, p. 251.

⁴¹ *Ibid.*, pp. 254-255.

ley and indefinable population of the crowded ports, may, perhaps, at some future day, under skilful management, predominate in the assembly, and yet we should be perfectly safe if no laws could pass without the free consent of the owners of the soil. That security we at present enjoy, and it is that security which I wish to retain. The apprehended danger from the experiment of universal suffrage, applied to the whole legislative department, is no dream of the imagination. It is too mighty an excitement for the moral condition of men to endure. The tendency of universal suffrage is to jeopardize the rights of property and the principles of liberty. There is a constant tendency in human society—and the history of every age proves it—there is a constant tendency in the poor to covet and to share the plunder of the rich; in the debtor to relax or avoid the obligations of contract; in the indolent and profligate to cast the whole burthen of society upon the industrious and virtuous; and there is a tendency in ambitious and wicked men to inflame those combustible materials. . . . New York is destined to be the future London of America, and in less than a century that city, with the operation of universal suffrage, and under skilful management, will govern this state. . . .

Society is an institution for the protection of property as well as life, and the individual who contributes only one cent to the common stock ought not to have the same power and influence in directing the property concerns of the partnership as he who contributes his thousands. He will not have the same inducements to care and diligence and fidelity. His inducements and his temptations would be to divide the whole capital upon the principles of agrarian law. . . . We have to apprehend the oppression of minorities, and a disposition to encroach upon private rights—to disturb chartered privilege—and to weaken, degrade and overawe the administration of justice (especially since the delegates are) already determined to withdraw the watchful eye of the judicial department from the passage of the laws. . . . We stand, therefore, on the brink of fate, on the very edge of a precipice. If we let go our present hold on the senate, we commit our proudest hopes and our most precious interests to the waves.

The convention finally conferred the suffrage on those who paid taxes or served in the militia or performed labor upon the public highways; but persons of color must possess a freehold of \$250 and pay taxes on it. Five years later (1826) manhood suffrage was established, Negroes alone excepted.⁴²

In Massachusetts, when a constitutional convention met in 1820, the propertied class suffered a similar reverse. Here, too, eminent statesmen—John Adams, Daniel Webster, Joseph Story—brought historical learning and dialectical skill to the defence of a hopeless cause. Argument could not overcome democratic conviction. "Rude men from rural districts," says Porter,⁴³ "would stand helpless before the intellectual statesmen thundering at them in resounding periods. They

Its triumph in other states

⁴² The property test for Negroes continued till 1874.

⁴³ *Op. cit.*, pp. 71-72.

would voice a few idle arguments and then vote on the strength of their inbred conviction. The most impressive thing about this entire movement toward broader suffrage is that men came to be filled with a fixed determination that as this country was a democracy all men should have a hand in running it. They were ready to argue, but were determined to have their way in any event." They got their way in Massachusetts by providing that all who paid a state or county tax might vote. During the thirties, however, the conservatives held their own in other states. They repelled assaults upon the property test in Virginia (1830)⁴⁴ and North Carolina (1835) and upon the tax-paying test in Delaware (1831) and Pennsylvania (1837). But these were successes of the moment only. In the next decade their forces were put utterly to rout. The tax-paying test was abandoned in Louisiana (1845), Connecticut (1845), and Ohio (1851). New Jersey (1844) and Virginia (1850) established manhood suffrage. Rhode Island (1842) substituted a tax-paying for a freehold qualification. It was not till 1856 that North Carolina followed suit. A table on the following page shows the dates at which the property and tax-paying tests were removed in the various states.

Bitter
struggle
in Rhode
Island

The popular movement in Rhode Island, taking a more determined and more dramatic course than in any other state, culminated in Dorr's Rebellion.⁴⁵ Under the charter of 1663, which continued in force, the assembly could admit as freemen (voters) "such and soe manye other persons as they shall thinke fitte." The suffrage was limited to those who possessed a freehold worth \$134 or yielding \$7 a year, and to their eldest sons. As manufactures developed, the wage-earning class loudly voiced their discontent, especially after the property test had been abolished in neighboring states. Nor was the restricted franchise the only ground of complaint. Notwithstanding the uneven increase of population the towns were still represented in the legislature as they had been a century and a half earlier; Providence, for instance, had four representatives, while Newport, half its size, had six. Unfortunately, in the face of a more and more insistent clamor for reform, the assembly displayed contemptuous indifference; and in time the malcontents were drawn into a revolutionary agitation. In 1840 Thomas W. Dorr assumed the leadership of a suffrage association, or

⁴⁴ But the Virginia requirement was reduced; and, alongside of twenty-five-dollar freeholders, leaseholders and tax-paying heads of families could vote.

⁴⁵ Jacob Frieze, *A Concise History of the Efforts to Obtain an Extension of Suffrage in Rhode Island* (1842; 3rd. ed., 1912).

REMOVAL OF PROPERTY AND TAX-PAYING QUALIFICATIONS

(For the revival of these qualifications as a means of disfranchising Negroes in the South see Chapter III)

	<i>Property</i>	<i>Tax Payment</i>
South Carolina	1759 ⁴⁶	1810
Pennsylvania	1776	1933
New Hampshire	1784	1792
Georgia	1789	1798
Delaware	1792	1897
Maryland	1810	No tax payment required
Connecticut	1818	1845
New York	1821	1826
Massachusetts	1821	1891
Rhode Island	1842 ⁴⁷
New Jersey	1844	No tax payment required
Virginia	1850 ⁴⁸	No tax payment required
North Carolina	1856 ⁴⁹	1868
Ohio (admitted 1803) ⁵⁰		1851
Louisiana (admitted 1812)		1845
Mississippi (admitted 1817)		1832

party, which adopted a tone of violence in its propaganda. "The great object," says a contemporary,⁵¹ "appeared to be to carry the citadel by storm; and this was only to be done by presenting the landholders as aristocrats, and the foes of human liberty, and holding them up to view as objects of detestation. . . . But little effort was necessary, especially when aided by political partisan animosity, to create a spirit of deadly hostility in an assembled throng; and arms, and blood, and threats of vengeance soon became as familiar, even in public meetings, as household words."

⁴⁶ A freehold qualification, first of 100 acres, later of 50, lasted till 1865; but only as an alternative, since tax-payers (and after 1810 residents) could vote. The tax-paying test was a severe one, but must have enfranchised some townsmen lacking freeholds. McKinley, *op. cit.*, p. 158.

⁴⁷ A property qualification was required of foreign-born citizens until 1888.

⁴⁸ But, 1830-1850, the head of a family, being a householder and tax-payer, could vote.

⁴⁹ The property test applied after 1776 only in the election of senators.

⁵⁰ Aside from the thirteen original states only three states (Ohio, Louisiana, and Mississippi) entered the Union with a restricted suffrage.

⁵¹ Frieze, *op. cit.*, p. 79.

Dorr's
Rebellion

The suffrage association ignored the lawfully constituted authorities. In 1841 a "People's Convention" drafted a "People's Constitution" and incorporated in it a provision for manhood suffrage. This constitution having been adopted by an unofficial popular vote, Thomas W. Dorr was elected governor in April, 1842. He determined forcibly to assert his authority against the legitimate government. On May 18 he led a meager, ill-equipped force against the state arsenal. "On that awful night but few of the citizens of Providence retired to rest; or, if they did, retired not to slumber, but, with watchful eyes and aching hearts, to await in the most painful suspense the dread spectacle of our fair city wrapt in flames, and her streets deluged with blood. . . . Visions of a city in flames, and its inhabitants devoted to the knife of the midnight assassin, rose up in the imagination and struck the soul with horror."⁵² But Dorr's followers could not be brought to attack a superior force sheltered behind stone walls and protected by artillery. The bold adventure utterly collapsed. Dorr himself, after issuing some bombastic proclamations and calling the people to arms, ignominiously fled. It was a comic opera rebellion; but it attracted sympathetic attention throughout the Union, enlisted the moral support of the Democratic party everywhere, and led to an immediate extension of the franchise. A new constitution, which displaced the charter in 1842, gave the vote to native citizens who paid a tax of one dollar, while retaining a property test for foreign-born citizens. In 1888 this discrimination was removed. But down to 1928 the constitution provided that "no person shall be allowed to vote in the election of the city council of any city, or upon any proposition to impose a tax or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax assessed upon his property therein, valued at least at one hundred and thirty-four dollars." With certain exceptions an annual tax of one dollar is assessed against every person who, if registered, would be qualified to vote.

American
democracy
established

In the middle of the nineteenth century the problem of the suffrage seemed to be settled. Except in North Carolina, where the property test still persisted for the election of senators,⁵³ and in four other states which had a tax-paying test, manhood suffrage had been established. Although many viewed this democratic experiment with profound distrust, anticipating and prophesying misfortune, on the whole democratic principles tended to harden into a rigid dogma.

⁵² Frieze, *op. cit.*, p. 81.

⁵³ Otherwise a tax-paying qualification was required.

The solution that had been reached, however, was soon roughly disturbed. Three serious questions had to be confronted in turn. These concerned the voting rights of foreign immigrants, emancipated slaves, and women.

IMMIGRANTS AND THE SUFFRAGE

The political importance of the immigrant dates from the middle of the nineteenth century. Between 1845 and 1855 a million and a quarter Irishmen came to America; in the early 'fifties Germans were coming in numbers almost equally large. In great measure the new arrivals remained in the Eastern states, finding employment in the industrial centers. There the Irish Catholics—poor, ignorant, and rather disorderly—aroused a good deal of hostility. The American or "Know-Nothing" party, which began to exert a powerful influence at this period, wished to exclude foreign-born citizens from office and require twenty-one years' residence before naturalization. In New York (1846) and Maryland (1850) the advisability of imposing a literacy or educational test upon voters was discussed. Connecticut actually did impose it in 1855. "Every person," now runs the constitutional provision, "shall be able to read in the English language any article of the constitution or any section of the statutes of this state, before being admitted an elector." In its original form the words "in the English language" did not appear; and, until the omission was rectified some thirty years later, it was possible for the foreign-born to qualify without any knowledge of English. Massachusetts provided in 1857 that all voters should be able to read the constitution and write their names.⁵⁴ Literacy tests, says Porter,⁵⁵ "were applied freely to the negro in future years and to-day are being used on general principles, but they originated practically for the benefit of the Irishman."

Introduc-
tion of the
literacy
test

Eighteen states now require ability to read or ability to read and write.⁵⁶ Seven of these are in the Solid South, where the literacy test appears as an alternative to other tests and is, as will be shown in the

Its
present
status

⁵⁴ A constitutional amendment of 1859, repealed in 1863, required two years' residence in the United States after naturalization.

⁵⁵ *History of Suffrage*, p. 119.

⁵⁶ The legislatures of Colorado, Idaho, and North Dakota are empowered (in the last state, in fact, required) to establish a literacy test, but no action has been taken. In Texas the voter must be able to *speak* English. The Oklahoma amendment of 1910, which linked a literacy test with a "grandfather clause," was held unconstitutional by the U. S. Supreme Court in 1915. See below, p. 56.

next chapter, one of the devices employed to keep Negroes from the polls.⁵⁷ In Alabama, Georgia, North Carolina, and South Carolina the applicant for registration must be able to read and write any paragraph in the constitution; in Mississippi, read it or understand it when read to him or give a reasonable interpretation of it; and in Louisiana and Virginia he must apply in his own handwriting. The registering officials may, of course, enforce these requirements strictly in the case of a Negro and leniently in the case of a white man. The other eleven states are Arizona (1913), California (1894), Connecticut (1855), Delaware (1897), Maine (1892), Massachusetts (1857), New Hampshire (1902), New York (1923), Oregon (1924), Washington (1896), and Wyoming (1889). All but three⁵⁸ require ability to write as well as to read. But the writing test is easily satisfied. A mere signature suffices in five states;⁵⁹ ten words in Oregon; one line in New Hampshire. Nor does it require much education to read "at least three lines" of the constitutions or statutes, as in Connecticut; or five lines, as in Massachusetts; or fifty words, as in Oregon; or a hundred, as in California. According to the law of Massachusetts, "the registrars shall be provided by the state secretary with a copy of the constitution of the Commonwealth printed in English on uniform pasteboard slips, each containing five lines of said constitution printed in type of a size not less than twenty-four point, and with a box so constructed as to conceal them from view. The registrars . . . shall require each applicant to draw one of said slips from the box and read aloud, in full view and hearing of the registrars, the five lines printed thereon." The reading must be done "in such manner as to show that he is neither prompted nor reciting from memory."⁶⁰ In a few states—for example, California and Oregon—the voter's statement that he can read will be accepted unless there is reasonable ground for challenging it.

The
New York
law

New York was next to the last of the eighteen states to adopt a literacy test; but, in doing so, it proceeded along quite novel lines and set a new standard of efficiency. The application of the test was entrusted, not to election officials, who might be biased or incompe-

⁵⁷ The seven states are Alabama (1901), Georgia (1908), Louisiana (1898), Mississippi (1890), North Carolina (1902), South Carolina (1895), and Virginia (1902). Louisiana allows an illiterate of good character to vote if he can understand and interpret a passage when read to him.

⁵⁸ Connecticut, Washington (also ability to speak English), and Wyoming.

⁵⁹ Arizona, California, Delaware, Maine, and Massachusetts.

⁶⁰ This provision appears in the laws of four other states.

tent, but to educational authorities. The law, as last amended in 1936, reads:

A certificate of literacy issued to a voter under the rules of the board of regents of the state of New York to the effect that the voter to whom it is issued is able to read and write English, or is able to read and write English save for a physical disability only, and to the extent of such physical disability, which shall be stated in the certificate, shall be received by election inspectors . . . as conclusive of such fact, except as hereafter provided. Any such certificate of literacy, when issued, shall have an individual number and shall be in duplicate. One of such duplicates may be retained by the person to whom it is issued, and the other duplicate shall be the certificate received by the election inspectors. . . . But a new voter may present as evidence of literacy a certificate or diploma showing that he has completed the work of an approved eight grade elementary school or of a higher school in which English is the language of instruction. But the genuineness of the certificate and the identity of the voter shall remain questions of fact to be established to the satisfaction of the election inspectors and subject to challenge, like any other fact relating to the qualification of a voter. The inability of a voter, save for physical disability only, obvious to the election inspectors, to write his name in a register or poll-book, shall be deemed conclusive proof of inability to read and write English, notwithstanding the presentation of proof of literacy as herein provided.

The constitutionality of this form of test has been upheld.⁶¹

Under this law the new voter may qualify in two different ways. He may present a certificate showing that he has graduated from an eight-grade school, public or private, or that he has been admitted to a higher grade, or that he has completed the sixth grade or done equivalent work at an evening school, English having been in all cases the medium of instruction.⁶² Otherwise, he must pass an examination at the level of the fifth grade, which is given by a group of educational psychologists under the auspices of the board of regents.⁶³ Over a period of seven years 472,000 took the examina-

How it operates

⁶¹ *People v. Voorhis*, 236 N.Y. 437 (1923). The legislation had been attacked as a delegation of legislative power and as an unreasonable precaution against the possible partiality of election officials.

⁶² *New York Times*, September 27, 1935; A. W. Bromage, "Literacy and the Electorate," *American Political Science Review*, Vol. XXIV (1930), p. 960.

⁶³ A sample examination paper appears in the article by Professor Bromage, p. 958:

Read this and then write the answers. Read it as many times as you need to.

"Mary had been waiting for the Fourth of July. It was on this day that her father and mother were going to take her to the park. Because it was a holiday her father did not have to work. Mary had learned in school why we celebrate the Fourth of July. The Declaration of Independence was signed on July 4,

tion, as against 91,000 presenting certificates; and 85 per cent passed it.⁶⁴ The requirements are not very severe. "Errors of grammar or spelling are overlooked," says Professor Bromage,⁶⁵ "if they do not indicate actual misreading. The object is to test the ability of the candidates to read and write in a comprehending manner. . . . The number of incorrect answers allowed . . . corresponds to the number of incorrect answers that the median child in the upper fourth or lower fifth grade in the public schools of New York State gave on each test when it was tried out experimentally." Undoubtedly, the system of examinations has had a wholesome influence. It has made the school the chief door of approach to the full enjoyment of citizenship and accentuated the need of providing more extensively for adult education. Sufficient time has elapsed to establish the superiority of the literacy test as it is applied in New York. Yet no other state has seen fit to imitate it.

Justifica-
tion of
the test

If the property and tax-paying qualifications have been abandoned as undemocratic, what justification can be found for this new qualification, which has met with such wide acceptance? It has been condemned on various grounds: as depriving of political rights those who must bear the political burdens of taxation and military service, as encouraging unlawful methods of expression (direct action) on the part of the disfranchised, as having no relation to political capacity, as incapable of fair application, and as inconsistent with democratic principles. Taken collectively, these considerations carry a good deal of weight. On the other hand, as the franchise is a privi-

1776. It was written by Thomas Jefferson. It is called the Declaration of Independence because it declared the thirteen American colonies free from England. The Fourth of July is celebrated as a national holiday by all of the forty-eight states."

(The answers to the following questions are to be taken from the above paragraph.)

1. For what day had Mary been waiting?
2. Where were her father and mother going to take her?
3. Why did Mary's father not have to work?
4. Where had Mary learned why we celebrate the Fourth of July?
5. When was the Declaration of Independence signed?
6. Who wrote the Declaration of Independence?
7. From what country did the Declaration of Independence declare the thirteen American colonies free?
8. How many states celebrate the Fourth of July as a national holiday?

⁶⁴ F. G. Crawford, "Operation of the Literacy Test for Voters in New York," *American Political Science Review*, Vol. XXV (1931), p. 343.

⁶⁵ *Op. cit.*, p. 959.

lege and not a natural right, it must be so qualified as to secure the best interests of the state. How can illiterate persons, with a printed ballot in their hands, vote intelligently? ⁶⁶ Their helplessness encourages resort to trickery. Speaking of Maryland some years ago, Philip Loring Allen said: ⁶⁷ "The 'Repudiation' party was extemporized and put candidates in the nomination in order to bewilder negroes who had been laboriously taught to recognize the word 'Republican.' One Maryland Congressman is said to have established schools in which negro voters were taught to recognize his Christian name, 'Sydney,' by the two 'ox yokes'—the y's—and just as he had succeeded, another 'Sydney' was nominated against him by petition so that there would still be confusion." The situation is infinitely worse when the voter is asked to pronounce upon a long list of initiated and referred measures. The literacy test also makes for "Americanization," because it ensures on the part of the voter accessibility to current American ideas, at least through the medium of the newspapers; and, since the roots of American institutions are buried deep in the past, it is desirable that the voter should have in his possession the means of acquainting himself with that past and imbibing the spirit of a long tradition. Finally—and this must count with a people that set such store by their elementary public schools—emphasis is put upon the desirability of education as an instrument of civic efficiency.

While the influx of aliens led Connecticut and Massachusetts to impose a literacy test, it had a very different effect in the West. The frontier states wanted settlers, both to hasten internal development and to increase their congressional representation. As an inducement to the foreign immigrant, some of them extended the suffrage not to citizens alone, but to those who had declared their intention of becoming citizens. This occurred first in Ohio (1803) and Illinois (1818); but both of those states had abandoned the arrangement before it began to be adopted widely. ⁶⁸ Within a period

Aliens
and the
suffrage

⁶⁶ It may be observed here that, according to the report of the Illiteracy Commission of the National Education Association, more than 4,300,000 illiterates were entitled to vote in the presidential election of 1924. See *New York Times*, July 2, 1924, and *Literary Digest*, Aug. 2, 1924, p. 35. The census of 1930 gave the number of illiterates—persons ten years of age who could not write in any language—as 4,283,753 or 4.3 per cent of the American population. These figures cannot be relied upon, however. They depend upon unchecked information given to the enumerators. The figures for 1940 are not yet available.

⁶⁷ *North American Review*, Vol. CXCI (May, 1910), pp. 608–609.

⁶⁸ Illinois in 1848 (except as to existing voters); Ohio, 1851.

of forty years, beginning in 1848 with Wisconsin and ending in 1889 with the two Dakotas, fifteen states gave the vote to aliens upon their taking out first papers in the process of naturalization—all of them in the West and Middle West except Alabama, Arkansas, Florida, and Texas.⁶⁹ By 1917, however, when the United States entered the World War, eight had withdrawn the concession; and the resurgence of nativism that accompanied the war soon led the others to follow suit.⁷⁰

Arkansas was the last to do so. The course of events in that state was peculiar.⁷¹ In 1920 a proposed constitutional amendment excluding aliens, while favored by 60 per cent of those voting upon it, failed to receive a majority of all voters participating in the general election, which the constitution seemed to require. Now, ten years earlier an amendment had introduced the initiative. It provided that any initiated measure, constitutional or statutory, should become effective when approved by a majority of the votes cast upon it. According to a decision of the supreme court of the state, this provision did not modify the requirements applying to any constitutional amendments that the legislature might submit. The proposal of 1920, therefore, had failed of adoption. Later on, however, the court changed its mind. It brought all constitutional measures under the less exacting rule of the popular initiative. As a consequence the attorney general gave an opinion, in 1926, that aliens had been excluded from the suffrage.

⁶⁹ Wisconsin (1848), Michigan (1850), Indiana (1851), Kansas (1854), Oregon (1857), Montana (1864), Missouri (1865), Alabama (1867), Nebraska (1867), Arkansas (1868), Florida (1868), Texas (1876), Colorado (1876), North Dakota (1889), and South Dakota (1889).

⁷⁰ Kansas, Nebraska, and South Dakota in 1918; Indiana and Texas in 1921; Missouri in 1924; and Arkansas in 1926.

⁷¹ Leon E. Aylsworth, "The Passing of Alien Suffrage," *American Political Science Review*, Vol. XXV (1931), pp. 115-116.

Chapter III

NEGRO SUFFRAGE AND THE SOLID SOUTH

The Civil War came to an end seventy-odd years ago. The seceding states resumed their place in the Union. But the Solid South still stands as the heritage of Reconstruction and of northern efforts to impose Negro suffrage. What is the area called the Solid South? Considering its great significance over a period of two generations and its tendency to persist through a long future, one would expect it to be defined as readily and correctly as the region of the Middle West. In fact, answers to the inquiry are, as a rule, vague and erroneous. David Lawrence tells us that Kentucky and Tennessee are two of "the twelve states known as the Solid South."¹ Paul Lewinson, in the course of a valuable study of Negro suffrage, calls Arkansas a "border" state.² But Kentucky and Tennessee are border states; Arkansas, forming part of the Solid South, is not.

Origin of
the Solid
South

The Solid South consists of ten states: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia.³ It must be distinguished from the Border, which consists of six states: Kentucky, Maryland, Missouri, Oklahoma, Tennessee, and West Virginia.⁴ Some writers include Ten-

Its charac-
teristic
features

¹ *United States News*, May 11, 1936.

² *Race, Class and Party: A History of Negro Suffrage and White Politics in the South* (1932), p. 153. Professor Albert Bushnell Hart actually included in the Solid South Delaware as well as Maryland, West Virginia, Kentucky, Tennessee, and Missouri! *Cyclopedia of American Government* (3 vols., 1914), s.v. "Solid South." Peel and Donnelly (*The 1932 Campaign*, 1935, p. 218) list Virginia, North Carolina, and Florida as border states!

³ Consult the map appearing at the end of Chapter I.

⁴ Occasionally one finds Delaware listed erroneously as a border state. It is true that the proportion of Negroes is large, (13.7 per cent, according to the last available data, 1930). But in the last fifty years Delaware has been predominantly Republican both in state and in national politics. Since 1892 it has never supported a Democratic candidate for President except in 1912, when Wilson won forty of the forty-eight states; in 1936, when Roosevelt won forty-six; and in 1940. In 1912 a Republican governor was elected. The percentage of actual voters is larger in Delaware than in any of the six border states.

nessee in the Solid South, apparently because, like the ten states of that region, it seceded from the Union. But in view of the fact that sentiment was divided during the Civil War, that restoration to the Union was accomplished so easily, that the Negroes form less than a fifth of the population, and that the Republican party maintains a vigorous life there, Tennessee must properly be classed as a border state. The distinction between the Solid South and Border may be shown in various ways. (1) *As to the percentage of Negroes* (census of 1930): in the Solid South, Texas alone falls below 25, four states exceeding 35, in the Border, Missouri is lowest with 6.2 and Tennessee highest with 18.3.⁵ (2) *As to presidential elections*: all ten states of the Solid South invariably support the Democratic candidate;⁶ taking the border states for the nine elections 1896-1928, Maryland went Republican five times, West Virginia eight, Kentucky three, Tennessee two, Missouri five, and Oklahoma (from 1908—only six elections) four. (3) *As to congressional delegations*: rarely has more than one single Republican representative from the Solid South sat in the House;⁷ all the border states send divided delegations.⁸ (4) *As to the activity of the electorate*: in the Solid South relatively few voters participate in general elections, since Democratic victory is certain; but in the border states, where the parties are more evenly matched, there is much larger participation. The percentage of the population voting for presidential electors in 1940 fell below 10 in five states of the Solid South and exceeded 20 only

⁵ The percentages of Negroes for the states of the Solid South are: Alabama, 25.7; Arkansas, 25.8; Florida, 29.4; Georgia, 36.8; Louisiana, 36.9; Mississippi, 50.2; North Carolina, 29; South Carolina, 45.6; Texas, 14.7; Virginia, 26.8. For the border states: Kentucky, 8.6; Maryland, 16.9; Missouri, 6.2; Oklahoma, 7.2; Tennessee, 18.3; West Virginia, 6.6. Beyond the Border—excepting Delaware—New Jersey alone reaches 5 (5.2); three other states reach 4—Ohio, 4.7; Pennsylvania, 4.5; Illinois, 4.3. The percentages are based on the census of 1930, the figures for 1940 not yet being available.

⁶ The only exceptions are Virginia, North Carolina, Florida, and Texas in 1928. But the circumstances of that year were quite abnormal.

⁷ H. McL. Wurzbach sat in six Congresses (67th to 72nd), the third Republican elected in Texas since 1845; C. Bascom Slemp sat in eight Congresses (60th to 67th) from the ninth district of Virginia. In the abnormal year of 1928 three Republicans were elected in Virginia; two in North Carolina; and Wurzbach in Texas. Only one survived the election of 1930.

⁸ But the overwhelming national preponderance of the Democratic party from 1932 changed the situation. In 1932 the delegation was divided only in Tennessee; in 1934 and 1936 only in Tennessee, Kentucky, and Missouri; in 1938 in those three and West Virginia; and in 1940 in the same three and Oklahoma.

in Florida (25) and North Carolina (23); among the border states it fell below 35 only in Tennessee (17).⁹ Elections in the Solid South serve merely to ratify the decisions which Democrats have made in their primaries. It is in these preliminary elections within the party that the significant struggle takes place and the interest of the voters is absorbed.¹⁰ The political cleavage between factions in the Democratic party is more important than the cleavage between Democrats and Republicans. (5) *As to Negro suffrage*: the attitude of the two regions differs fundamentally. The difference will be made clear in this chapter.

The existence of the Solid South, resting upon the menace of Negro domination, has for half a century disturbed and distorted the political life of the country. The ten states that constitute the Solid South are overwhelmingly Democratic. For the most part, outside of Virginia and North Carolina, Republicans maintain only a skeleton organization; and they do even this, not because they have the slightest hope of victory at the polls, but for the purpose of securing federal patronage and of exerting influence in the national conventions.¹¹ Political life is therefore abnormal. The necessity of pre-

Supremacy
of Democrats
in the
South

⁹ In 1936 (on the basis of estimated population) the record was much the same, except that Florida fell below 20 per cent and the border state Oklahoma slightly below 30. It may be said that, on both occasions, the percentage was higher in Delaware than in any border state.

¹⁰ The Democratic vote in the general election is commonly a small percentage of the vote cast in the Democratic primary—in South Carolina somewhat less and in Arkansas somewhat more than 10 per cent. The percentage varies with the strength of the Republican party. It exceeds 150 in North Carolina, where that party has developed a considerable strength, particularly in certain regions, and where the Democrats are interested in showing the size of their majority. In Florida, which gave Hoover its electoral vote in 1928, the percentage was only 77 four years later.

¹¹ In 1930 a committee of the United States Senate, after protracted investigation, reported on the sale of federal offices and the assessment of federal officeholders in South Carolina, Georgia, Mississippi, and Texas. (New York *Times*, March 16, 1930.) According to the report, the Republican machine collected, on the average, 5 per cent of the salary. The practice had been so systematized in the past decade that one national committeeman received something like \$50,000, not for his own personal use, of course, but for the expenses of the party organization. Perry W. Howard, Negro boss of Mississippi, was indicted, along with several others, on the charge of taking \$1,500 for the appointment of a deputy marshal, but acquitted of conspiring to violate federal law (New York *Times*, July 17 and December 15, 1928). As will be shown later on, President Hoover tried in vain to eradicate such notorious abuses and at the same time widen the basis of the Republican party in the South by favoring a lily-white organization in place of the prevailing black-and-tan.

serving an unbroken party front, which will be explained later, hampers the free play of opinion. Oscillations in policy must not pass beyond the Democratic orbit. Since the Democratic party can rely upon the entire electoral vote of these states in presidential years, it might be thought that the South would have a determining voice in the national councils of the party. Far from it; for policies are shaped, nominations made, and campaigns conducted to win doubtful Northern states like Ohio and New York. The South, which gives everything, can ask for nothing. Its only recompense, aside from the suppression of the Negro vote, is the power it wields in Congress when the Democrats control either house and, in conformity with the seniority rule, give the places of leadership to Southern members, who have often served continuously for long terms.¹² It is not the South alone that suffers. The Republican party remains what it was at the time of its inception, a sectional party. Satellites it has in the Solid South, but these are in some ways a liability rather than an asset,¹³ a liability that cannot be abandoned without giving offence to the numerous Negro voters in the North. Indeed, the offence has already been given, and their desertion has occurred.¹⁴ To make clear the problem of the Solid South, it is necessary to look back to the period immediately following the Civil War.

ESTABLISHMENT OF NEGRO SUFFRAGE

Although the war was fought to preserve the Union rather than to free the slaves, through the logic of events it brought about not

¹² Great power goes to chairmen of committees, especially in the House. In the 71st Congress (1929-31), which the Republican party controlled, not one chairman of 79 in both houses came from the Solid South; only one of 33 in the Senate and two of 46 in the House came from the Border. One third of the states (Solid South and Border) held altogether less than one twenty-sixth of the coveted posts. On the other hand, in the 75th Congress (1937-39), which the Democratic party controlled, the situation was very different. One third of the states (the Solid South and Border) held 59 per cent of the posts—the percentage for the House being 61 (including all important committees but Rules and Interstate and Foreign Commerce); and for the Senate, 57.

¹³ For the rôle played by Southern delegates in the Republican national convention, see below, Chapter XX.

¹⁴ The migration of Negroes to the North may have given them a possible balance of power in certain states. Resenting President Hoover's lily-white policy in the Solid South and responding to ingenious Democratic solicitations, the Northern Negroes largely abandoned, in the years 1932-1936, their traditional Republican allegiance. Southern Negroes showed the same tendency.

only their emancipation, but also their admission to the suffrage. The first measures, calculated to weaken the enemy by striking at his property in slaves, applied only to the rebel states; but a bolder course was advocated in the Republican platform of 1864. "As slavery was the cause and now constitutes the strength of this rebellion," the platform says, "and as it must be, always and everywhere, hostile to the principles of republican government, justice and the national safety demand its complete extirpation from the soil of the republic; . . . we are in favor, furthermore, of such amendment to the Constitution . . . as shall terminate and forever prohibit the existence of slavery within the limits or the jurisdiction of the United States." The Thirteenth Amendment achieved this object. Then, having freed the slaves, the radical Republicans determined to secure for them the full enjoyment of civil rights. That was the main purpose of the Fourteenth Amendment. In its second section, however, the amendment marked an indirect approach to Negro suffrage. It provided that, when the right to vote was denied to any adult male citizen (except for crime), the congressional representation of the state concerned should be reduced proportionately. Whether the Southern states gave the suffrage to the Negro, who would naturally support the Republican ticket, or preferred to sacrifice their strength in Congress and therefore in the electoral college also, the Republican party was bound to profit. Only under compulsion did the South accept the amendment.

Thirteenth
and
Fourteenth
Amend-
ments

While the Fourteenth Amendment was awaiting ratification, Congress passed, over the President's veto, the Reconstruction Act of March 2, 1867. This divided the rebel states (except Tennessee, which had been readmitted to the Union) into five military districts. It further provided that senators and representatives would be admitted to Congress when the states had framed constitutions that Congress approved and had ratified the amendment; but Negroes must be allowed to vote not only in electing delegates to the constitutional conventions and in ratifying the work of those conventions, but permanently under the terms of the new constitutions. Seven states complied with these requirements in 1868; and the remaining three—Mississippi, Texas, and Virginia—in 1870. The Negro could now defend himself with the ballot; for the moment he was secure in the possession of equal rights. It was clear, however, that the Southern whites were bent upon recovering their ascendancy and disfranchising the Negro in defiance of Congress. No clause of the federal Constitution stood in their way; for to the states belonged

Fifteenth
Amend-
ment

the exclusive power of fixing qualifications for the suffrage.¹⁵ The Republicans hastened, before such a calamity could occur, to place Negro suffrage beyond the reach of local hostility. According to the terms of a new amendment, the fifteenth, "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude." It was adopted in 1870.¹⁶ "A measure," said President Grant, "of grander importance than any other act of our free government to the present day."

Motives
of the
Republican
party

What were the motives which lay behind this enfranchisement of the Negro? The North imposed it on the South. Yet in 1867, the year of the reconstruction acts, only seven Northern states permitted Negroes to vote;¹⁷ and that same year Kansas, Michigan, Minnesota, and Ohio rejected suffrage amendments, although no race problem existed there, as in the South, to justify their attitude.¹⁸ In the platform of 1868 the Republican party did not attempt to disguise the inconsistency of its position: "The guarantee of equal suffrage to all loyal men at the South was demanded by every consideration of public safety, of gratitude, and of justice, and must be maintained; while the question of suffrage in all the loyal states properly belongs to the people of those states." The Fifteenth Amendment was enacted in spite of Northern indifference or hostility to Negro suffrage and because no other effective means of controlling the South could be devised. Republicans supported the amendment on a

¹⁵ Art. I, Sec. 2, Clause I, of the Constitution provides that representatives shall be chosen in each state by those who "have the qualifications requisite for electors of the most numerous branch of the state legislature."

¹⁶ Mississippi, Texas, and Virginia ratified under duress. Negro control in other Southern states secured ratification.

¹⁷ Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, Wisconsin. New York imposed a property qualification on Negroes. Negroes were permitted to vote in Wisconsin under a court decision of 1866. G. T. Stephenson, *Race Distinctions in American Law* (1910), p. 282. See also the table given by Porter, *A History of Suffrage in the United States* (1918), p. 90, where Wisconsin, however, is given as excluding the Negro. At the outbreak of the Civil War only four states permitted Negroes to vote—New Hampshire, Vermont, Massachusetts, and New York; and only in New York did they constitute as much as 1 per cent of the population. There were 149 Negroes in New Hampshire; 194 in Vermont. In practice few could vote in Massachusetts, because of the literacy test, or in New York, because of a property qualification applicable only to Negroes. See *Congressional Record*, January 20, 1938, p. 1092.

¹⁸ Except in Iowa and Minnesota (1868) and, under compulsion, in the South an amendment establishing Negro suffrage has never received a popular majority.

variety of grounds.¹⁹ Some relied upon the principle of natural right (while repulsing the claims by that time vigorously made by women); others, on the principle of expediency, since the Negro vote was necessary to preserve the post-war settlement; others, again, wished to satisfy a feeling of rancor towards the rebels. Thaddeus Stevens shared all these views. "I am for negro suffrage in every southern state," he declared.²⁰ "If it be just, it should not be denied; if it be necessary, it should be adopted; if it be a punishment to traitors, they deserve it." Perhaps the prevailing motive was that of party advantage; for the Negroes, out of gratitude, would identify themselves politically with their liberators and thus permanently disable the Democratic party. "There was not one shred of evidence to show that anywhere in the North men wanted Negro voters in their midst," says Porter.²¹ "Done under the cloak of hypocrisy in feigned support of democratic principles, it was in truth a revengeful punitive measure directed at the South, for which the entire nation suffered." The transaction was, as we must view it now, incredibly misguided. The freedmen had not asked for the suffrage; they were, in view of their condition at the time, incapable of using it intelligently. "The simple truth is that Negro suffrage was the most artificial creation ever known to our history," says Alfred Holt Stone.²² "The only natural thing about it was its death."

While it lasted, however, Negro suffrage involved the South in misery and demoralization. Under the most favorable circumstances, the situation arising out of a prolonged war and the sudden emancipation of a multitude of slaves would have presented baffling difficulties. It was a critical time. The best efforts of the best men were needed to meet the exigencies of reconstruction. But, unfortunately, the old leaders had been eliminated from public life;²³ carpetbaggers

Restoration of white ascendancy

¹⁹ J. M. Mathews, *Legislative and Judicial History of the Fifteenth Amendment* (1909), pp. 21-22.

²⁰ J. A. Hamilton, *Negro Suffrage and Congressional Representation* (1910), p. 15.

²¹ *Op. cit.*, p. 134.

²² *Studies in the American Race Problem* (1908), p. 358. This is the best book on the Solid South; but, considering the date of publication, it should be supplemented by Paul Lewinson's *Race, Class and Party: A History of Negro Suffrage and White Politics in the South* (1932) and by Charles S. Mangum's *Legal Status of the Negro* (1940).

²³ By the Reconstruction Act of March 23, 1867, prescribing rules for the registration of voters, and by the third section of the Fourteenth Amendment.

and scalawags, exploiting the Negro vote and securing control of the government, wasted resources, looted the treasury, and fastened heavy debts upon the states. Such rampant corruption shook the faith of all but the most arrogant partisans of Negro suffrage in the North. In the South it convinced the exasperated whites that the very fabric of civilization was imperilled and that white ascendancy must be restored at all hazards, even in defiance of law. In some states, where moderate Republicans, appalled by the riot of extravagance and corruption, deserted their party and combined with the other whites, the carpetbag governments were dislodged without resort to questionable methods. Elsewhere intimidation, trickery, and fraud kept the Negroes from the polls or nullified their votes. Between 1869 and 1877 the whites regained control of every Southern state. Thus was born the "Solid South," the "color line" in politics. The Negroes adhered to the Republican party with undeviating loyalty. The whites, who regarded the Negro menace as the fundamental question in politics, concentrated their strength within the Democratic ranks.

Congress
intervenes:
Enforce-
ment Act

The Republican party did not acquiesce in the disfranchisement of the Negro by violence and fraud; its successive platforms denounced the conduct of the Democratic party in the South and promised legislative remedies.²⁴ Nor did the Negro himself at once give up the struggle. To him the ballot was the symbol of freedom; his party, the sole bar to a revival of slavery. In 1870 the majority in Congress sought to check the practices employed in the South and to vindicate the Fifteenth Amendment. An elaborate statute prohibited under heavy penalties not only all forms of racial discrimination in the conduct of elections, but also the employment by private individuals of violence, threats, or bribery to discourage citizens in the exercise of their voting rights.²⁵ This "enforcement act," while

²⁴ Thus in 1884: "The perpetuity of our institutions rests upon the maintenance of a free ballot, an honest count, and correct returns. We denounce the fraud and violence practised by the Democracy in the Southern states, by which the will of the voter is defeated, as dangerous to the preservation of free institutions; and we solemnly arraign the Democratic party as being the guilty recipient of the fruits of such fraud and violence. We extend to the Republicans of the South, regardless of their former party affiliations, our cordial sympathy, and pledge to them our most earnest efforts to promote the passage of such legislation as will secure to every citizen, of whatever race and color, the full and complete recognition, possession and exercise of all civil and political rights."

²⁵ For the details see J. M. Mathews, *op. cit.*, Chapter V. Further legislation in 1871 empowered federal circuit judges, under certain circumstances, to ap-

provoking lively resentment in the South, failed to accomplish its purpose. Its provisions, having no other effect than to irritate the South, were repealed by Congress in 1894. When the justices of the Supreme Court came to interpret the Fifteenth Amendment, they laid down three principles which, in combination, made its practical application exceedingly difficult. These were: (1) that the amendment did not confer the right to vote upon any one, since that right was still derived from the states; (2) that no one could be convicted under its provisions unless his acts constituted a discrimination on account of race, color, or previous condition of servitude; and (3) that the amendment did not contemplate the wrongful acts of private individuals, but only those of a state or its agents.²⁶

In the light of these principles the supposed safeguards of the Negro's rights, one after the other, disappeared. The states could, as the Southern states afterwards did, impose suffrage qualifications which disfranchised the Negro without discriminating against him as such. Again, when a Negro was denied the right to vote, he must show, with a reasonable degree of certainty, that the discrimination he complained of was a racial discrimination. "Nor is it charged that the bribery was on account of race, color, or previous condition of servitude," said Justice Brewer in the case of *James v. Bowman*. "True, the parties who were bribed were alleged to be 'men of African descent, colored men, negroes, and not white men' and, again, that they were 'persons to whom the right to suffrage and the right to vote was then and there guaranteed by the Fifteenth Amendment to the Constitution of the United States.' But this merely describes the parties wronged as within the classes named in the Amendment. They were not bribed because they were colored men, but because they were voters. No discrimination on account of race, color, or previous condition of servitude is charged." Again, in a case where Negroes were prevented by violence from voting,²⁷ Chief Justice Waite said: "We may suspect that race was the cause of hostility, but it is not so averred. This is material to a description of the substance of the offence, and cannot be supplied by implica-

Decisions
of the
Supreme
Court

point election inspectors. This is as far as Congress has gone in the attempt to enforce the Fifteenth Amendment. The House, it is true, did pass a "force bill" in 1890, but it was defeated in the Senate.

²⁶ These principles were first developed in the state and lower federal courts. The Supreme Court approved the first two in the case of *U.S. v. Reese* (92 U.S. 214, 1876) and the third in the case of *James v. Bowman* (190 U.S. 127, 1903).

²⁷ *U.S. v. Cruikshank*, 92 U.S. 542.

tion. Everything essential must be charged positively and not inferentially." This was good law, but it rendered the case of the Negro almost hopeless.²⁸ Finally, the third principle, under which the wrongful acts of private persons escaped the prohibition of the Amendment, left the way open to intimidation, fraud, and bribery, if these were not punished by the states themselves. It appeared, therefore, that white ascendancy in the Solid South was not seriously threatened by the Fifteenth Amendment.

DISFRANCHISEMENT OF THE NEGRO

Exclusion
of the
Negro by
constitu-
tional
devices

Having produced satisfactory results, the illegal or extra-legal practices might have been continued indefinitely. Gradually, too, as the Negro came to recognize his helplessness and, through apathy and indifference, accept his inevitable exclusion from politics, they would have been less frequently employed. But, after all, these practices were distasteful to the better element among the whites; encouraging as they did a general spirit of disorder and contempt for law, they had been sanctioned only under the pressure of necessity. Towards the end of the century a new plan was devised, one that proved quite effective and yet kept within the letter of the law as interpreted by the Supreme Court. It rested upon the principle that the states might impose suffrage restrictions of any kind, provided only that these did not discriminate against the Negro. Now, according to the courts, the fact of discrimination must be proved, not simply inferred as a probable motive. Between 1890 and 1908, therefore, seven states (all the Solid South except Arkansas, Florida, and Texas) adopted constitutional amendments or enacted new constitutions²⁹ and incorporated in them requirements which, though carefully avoiding any suggestion of racial bias, were designed by ingenious indirection to exclude the great mass of the Negroes.

²⁸ Porter (*op. cit.*, p. 200) takes a critical view of the judicial decisions. "Tribunals very early began to exhibit a tendency to keep 'hands off' the Southerners and not force the issue with them. All the burden of proof was laid upon the negro to show that he was being deprived of a right, and the courts took advantage of technicalities and ambiguities to make the negro's position all the harder." On the other hand, note the expressions of approval in J. M. Mecklin, *Democracy and Race Friction* (1914), pp. 220-221.

²⁹ Mississippi (1890), South Carolina (1895), Louisiana (1898, 1913, and 1922), Alabama (1901), North Carolina (constitutional amendment effective in 1902), Virginia (1902), Georgia (constitutional amendment of 1908). The payment of a poll tax is required in Arkansas and Texas.

Referring to the Mississippi constitution of 1890, the supreme court of the state said: ³⁰ "Within the field of permissible action under the limitations imposed by the Federal Constitution, the Convention swept the field of expedients to obstruct the exercise of suffrage by the negro race. By reason of its previous condition of servitude and dependency, this race had acquired or accentuated certain peculiarities of habit, or temperament, and of character which clearly distinguished it as a race from the whites. A patient, docile people; but careless, landless, migratory within certain limits, without forethought; and its criminal members given to furtive offences rather than the robust crimes of the whites. Restrained by the Federal Constitution from discrimination against the negro race, the Convention discriminated against its characteristics and the offences to which its criminal members are prone."

Before describing generally the constitutional requirements (which are by no means identical in all the Southern states) and explaining their significance, it will be serviceable to summarize the provisions of the Alabama constitution of 1901. That constitution is the most comprehensive; in it will be found every device employed by other states. In the first place, the voter must have resided in the state two years, the county one year, the precinct three months. In the second place, he must have paid a poll tax of one dollar and fifty cents for the year 1901 and for each subsequent year; and "any person who shall pay the poll tax of another, or advance him money for that purpose in order to influence his vote, shall be guilty of bribery." In the third place, he must be registered; and this means that he must satisfy either an educational or a property test. Under the educational test, he must be able to read and write any article of the United States Constitution in English; and he must have worked in some lawful employment, business or occupation, trade or calling for the greater part of the preceding year. Under the property test, he must be the owner (or the husband of the owner) of forty acres of land upon which he resides, or the owner of real estate or personalty in Alabama assessed for taxation at three hundred dollars; and all taxes due upon such property for the preceding year must have been paid. Any applicant for registration may be required to state under oath where he has resided during the past four years, the name or names by which he was known, and the names of his employers; and those who make a wilful misstatement are to be held

Provisions
of the
Alabama
constitution

³⁰ Quoted by William P. Pickett, *The Negro Problem* (1909), p. 244, from 20 *Southern Reporter* 865.

guilty of perjury. Further, those are disqualified from voting who have been convicted of certain crimes, including arson, perjury, larceny, assault and battery upon the wife, adultery, bigamy; or who have been convicted as vagrants or tramps or of selling or offering to sell their votes. Finally, there is the so-called "grandfather clause," which permits certain persons, before a specified date (December 20, 1902), to have their names inscribed permanently on the register without paying the poll tax or satisfying the educational or property test. Such permanent registration is open to: (1) those who have served in the armed forces of the United States in the war of 1812 or any subsequent war or in the Confederate forces during the Civil War; (2) their lawful descendants; and (3) "all persons who are of good character and who understand the duties and obligations of citizenship under a republican form of government."

Their significance

These complicated provisions seem to exhaust the possibilities of genius in striking at the Negro's peculiar characteristics and at the same time, through the grandfather clause and the discretionary power lodged with election officers, in safeguarding the interests of the whites.³¹ The exacting residence requirement, which is reproduced in Louisiana, Mississippi, and South Carolina, penalizes the migratory habits of the Negro. The tax-paying requirement—abolished in Arkansas (1935), Florida (1937), Louisiana (1934), and North Carolina (1920)—penalizes his improvidence and carelessness; and this is especially true when the tax must be paid through a period of years and a receipt or other "satisfactory evidence" of payment given. Frequently the Negroes fail to pay the tax, although the amount is small,³² or else they lose the receipt. The literacy or educational

³¹ Alfred Holt Stone (*Studies in the American Race Problem*, 1908, pp. 354-355) says: "There is a good deal of nonsense indulged in, North and South, about those Southern constitutions. There is not one of them under which the Negro is not disfranchised automatically. The most effective bar to Negro suffrage ever devised is the cumulative poll tax provision of Georgia. Yet Georgia's is not inscribed among the offending constitutions. [Stone wrote before the revision of 1908 in Georgia.] The tax-payment provisions of these constitutions are directed against two race characteristics—lack of thrift and absence of foresight—and they operate with telling effect. Couple with these the requirement of registration, and we have practically all there is of the really active features of these instruments." The tax cumulates from the age of 21. In Georgia, with fines and 7 per cent interest, a man must pay \$15.50 for a first vote at the age of 28; in Alabama, \$36 at the age of 45. *The Poll Tax* (American Council of Public Affairs, 1940), p. 11.

³² Either \$1 or \$1.50 except in Mississippi, where the amount is \$2 and may be

requirement, found in seven states, penalizes the Negro's lack of schooling. The applicant for registration must usually be able to read and write some part of the state or federal constitution. In Louisiana and Virginia, he must make application in his own handwriting; in Mississippi, read some section of the constitution, or "be able to understand the same when read to him, or [as required in Louisiana] give a reasonable interpretation thereof." Whatever form the test takes, the registration officers conduct it; and the standards they demand of a Negro and a white man may differ greatly.³³ Thus in Columbia, South Carolina, when women applied for registration in 1920, white women were subjected to no test of any kind, but colored women "were made to read and even to explain long passages from the constitution and from various civil and criminal codes, although there is no law requiring such an inquisition. . . . Well educated colored women were denied the right to register. Some of the questions actually put to the inexperienced colored applicant were: 'Explain *mandamus*.' 'Define civil code.' 'How should you appeal a case?' 'How much revenue did the State hospital pay the State last year?' . . . Several colored teachers of Columbia, licensed by the State to teach colored children, were denied the right to register, as being insufficiently educated to read a ballot!"³⁴ A clause in the constitution of Virginia requires any applicant for registration to "answer on oath any and all questions affecting his qualifications." Sometimes strange questions are asked, even tricky ones. If asked whether minors can hold office in the state, who would know that notaries public need be only eighteen years of age? The applicant must set down in his own handwriting, "without aid, suggestion, or memorandum," certain information that is required by law, but not indicated, perhaps, on the official blank. In Louisiana,

Similar
arrange-
ments in
other
states

increased to \$3 by a county board of supervisors. The tax must be paid long before the election, usually six months before. Persons aged forty-five or more in Alabama and sixty or over in Georgia, Mississippi, South Carolina, and Texas are exempt. See *The Poll Tax* (American Council of Public Affairs, 1940).

³³ Frank R. Kent, *The Great Game of Politics* (1923), p. 317, says: "Ordinarily they let the few Negroes who apply for registration get by. The idea is not to keep all the Negroes off the list, but the power is there, through the educational test, to apply it so unfairly that the Negro cannot qualify and the white voter can, and there is no hesitation in the South in admitting that it would be so applied if the Negroes attempted to register in any considerable numbers."

³⁴ William Pickens, "The Woman Voter Hits the Color Line," *Nation*, Vol. CXI (October 6, 1920), pp. 372-373.

where a similar rule exists, Negroes may fail to calculate their ages in days, as well as years and months.³⁵

Alter-
natives
to the
literacy
test

As an alternative to the educational requirement there is, in four states, a property requirement: in Alabama real or personal property assessed for taxation at \$300, or forty acres of land; in Louisiana and South Carolina \$300; in Georgia \$500, or forty acres of land. In Georgia any one may register without meeting either the educational or property test if he is of good character and understands the duties and obligations of citizenship under a republican form of government. In its actual administration by partisan officials this may become a very important provision. In 1922 Louisiana incorporated it in her constitution, applying it to all voters; and at the same time, as an alternative to the literacy test, required the voter to be a person of good character, attached to the principles of the federal and state constitutions, and able to give a reasonable interpretation of any part of either instrument when read to him by the registrar. In all the Southern states, a person, otherwise qualified to vote, is debarred by a criminal record; and some of the numerous crimes that are listed—such as wife-beating, adultery, petit larceny, obtaining goods under false pretences, perjury—are supposed to be more common among the Negroes. In some states the voter may be required to answer under oath a formidable series of questions which, through confusion and innocent mistakes, may involve him in perjury.

Now, while devised expressly to eliminate the Negro, these various requirements would, if fairly applied, eliminate a considerable number of white men too.³⁶ This awkward possibility was not over-

³⁵ Paul W. Lewinson, *Race, Class and Party* (1932), pp. 118 and 115.

³⁶ How far this has actually occurred is uncertain; most available statements are unsupported by statistics. Thus a writer in the *Nation* (April 21, 1910, p. 873) says that "50,000 [white] voters, it is estimated, will be disfranchised" in Georgia. Paul L. Haworth in the *Outlook* (May 17, 1902, pp. 163-166) shows, however, that in Louisiana 164,000 whites were registered before the adoption of the constitution of 1898 and only 125,000 afterwards; the number of Negroes fell from 130,000 (of whom 94,000 were illiterates) to 5,000. Frank R. Kent (*op. cit.*, pp. 318-319) says: "The education test, simple though it may be in the hands of sympathetic registration officials, tends to eliminate the really illiterate whites, a certain number of which will be found in every Southern state, but the poll tax eliminates vastly many more. Coupled with these obstacles to registration is the fact that, there being practically no general election contest . . . , the only fight of any sort being in the primaries, politics and elections generally are of less interest in the South than they are in the North. The result is that, outside of the professional politicians and the organization forces, a smaller proportion of the people take an active interest in them. The figures show that the white vote in the

looked. Ingenious minds discovered a remedy in the "grandfather clause" or, to use a less picturesque but more accurate phrase, the "permanent-registration clause, which is found in six states. Its purpose is to relieve certain classes from the operation of the educational or property test. In defining these classes the criterion is either (1) the right to vote in any state before the establishment of Negro suffrage under the Reconstruction Acts or (2) service in the armed forces of the United States or the Confederate states; and the descendants of such persons are also included. Thus Louisiana and North Carolina permitted those who could vote in any state on January 1, 1867, and their descendants to enroll permanently as voters; Alabama, Georgia, and Virginia, those who served in the army or navy of the United States or the Confederate states and their descendants. The term "grandfather clause" is appropriate here. But in two of these five states other classes are recognized: in Alabama, those who are of good character and understand the duties and obligations of citizenship under a republican form of government;³⁷ in Virginia, those who own property and pay a state tax assessed against it and those who can read and explain any section of the constitution or, being unable to read, explain it when read to them. There is no "grandfather" element in these provisions or in any part of the South Carolina clause which enfranchises permanently those able to read or explain the constitution. Registration under the grandfather clauses was confined to a limited period, ranging from three and a half months in Louisiana to eight and a half years in North Carolina.³⁸ The grandfather clauses are still effective in the sense that existing suffrage rights have been acquired under them, but in the sense that no further claims to enrolment can be made they have all expired by limitation.³⁹ Outside the Solid South, in the border state of Oklahoma, a grandfather clause made its appearance in a constitutional amendment of 1910.⁴⁰ This amendment

Permanent
registra-
tion for
whites
in the
"grand-
father
clause"

South has been dwindling for some years, and there has been in some of the states a shocking drop in registration figures. These things, however, are by no means, in the judgment of the people of these states, too big a price to pay for having really solved the Negro political problem. From their viewpoint, no price would be too big for that."

³⁷ Negroes unsuccessfully attempted to register under this provision and carried their case to the courts. See below the case of *Giles v. Harris*.

³⁸ In Louisiana a constitutional amendment of 1912 gave a fresh opportunity to register in 1912-1913.

³⁹ The last being that of Georgia, December 31, 1914.

⁴⁰ Art. III, Sec. 4a, of the constitution, proposed by initiative.

imposed a literacy test and relieved from its operation those who were "on January 1, 1866, or at any time prior thereto, entitled to vote under any form of government, or who at that time resided in some foreign nation," and their lineal descendants. Such persons could register at any time, not simply within a limited period. Some mystery surrounds this amendment. It did not proceed from any popular demand or any belief in its necessity, for the Negroes formed only 7 per cent of the population; and its adoption was apparently secured by an artifice.⁴¹ Its significance lies in the fact that, five years later, the United States Supreme Court declared it unconstitutional and so threw doubt upon the validity of all the grandfather clauses in the Solid South. A Maryland statute of 1908, which fixed the voting qualifications in the city of Annapolis, contained a grandfather clause. This, too, fell under the interdict of the court.

Its im-
portance
exagger-
ated

There is a disposition to exaggerate the importance of the grandfather, or permanent registration, clauses. Frank R. Kent observes ⁴² that, if you ask the average person, not actually engaged in politics, how the Negro has been excluded from politics, nine times out of ten the grandfather clause is held to be solely responsible. "Even some of our wisest and most seasoned political analysts in Washington of whom I inquired insisted that such was the fact. The 'grandfather clause,' they pointed out, provides that no one shall vote in these states who was not 'entitled to vote prior to 1864, or who is a descendant of such person.' This, they say, completely bars out the Negro, and that is all there is to it. Unquestionably, this is the prevailing belief throughout the country." As a matter of fact, the grandfather clauses do not appear to have enfranchised any large proportion of the whites. For one thing, registration under their provisions implies inability to meet the literacy or property test; and many poor whites must have preferred to take their chances with well-disposed and lenient officials rather than confess their deficiencies. In Louisiana, after the constitution of 1898 went into effect, the number of registered white voters fell from 164,000 in 1897 to 125,000 in 1900. In 1897 there were 28,000 illiterate white

⁴¹ Every other referendum has been submitted in such a form that the voter could indicate his "yes" or "no" with a rubber stamp, no pencils being provided in Oklahoma polling booths. In this case every ballot was counted in the affirmative unless the voter crossed out the words "for the amendment." *Outlook*, Vol. XCV (Aug. 20, 1910), pp. 853-854.

⁴² *Op. cit.*, p. 315.

voters; in 1900 little more than 29,000 registered under the grandfather clause.⁴³

There can be no doubt whatever as to the purposes of the constitutional arrangements that have been described or as to the elimination of the Negro vote by these and other methods. The purpose was not disguised. The chairman of the Louisiana constitutional convention, for instance, said: ⁴⁴ "We have not drafted the exact constitution we should have liked to have drafted; otherwise we should have inscribed in it, if I know the popular sentiment of this state, universal white manhood suffrage and the exclusion of every man with a trace of African blood in his veins. We could not do that on account of the Fifteenth Amendment. . . . What care I whether the test we have put be a new one or an old one? What care I whether it be more or less ridiculous or not? Doesn't it meet the case? Doesn't it let the white man vote, and doesn't it stop the negro from voting, and isn't that what we came here for?" Governor Charles B. Aycock of North Carolina said in 1900: ⁴⁵ "We must disfranchise the negro. This movement comes from the people. Politicians have been afraid of it, and have hesitated, but the great mass of white men in the state are now demanding, and have demanded, that the matter be settled once for all. . . . The amendment to the constitution stays inside the Fifteenth Amendment, and nevertheless accomplishes its purpose. It . . . demands the existence of sufficient intelligence either by 'inheritance or education' as a necessary qualification for voting; it requires of the negro the qualification of education, since he has it not by inheritance, and demands of the white man only that he possess it by inheritance; it . . . seizes upon the negro's educational unfitness, and saves the whites from participation therein by boldly recognizing the claims of their hereditary fitness. The amendment makes a distinction between a white man and a negro, but it does so on the ground that the white man has a knowledge by inheritance that the negro has not." The state platform of the Democratic party in 1906 congratulated the people of North Carolina on the fact that the franchise amendment had "permanently solved the race problem" and removed "a menace to

Purpose
of consti-
tutional
provisions
not dis-
guised

⁴³ Some 86,000 whites registered under the educational qualification; 10,000 under the property qualification. Paul L. Haworth, "Negro Disfranchisement in Louisiana," *Outlook*, Vol. LXXI (May 17, 1902), pp. 163-166.

⁴⁴ J. A. Hamilton, *op. cit.*, p. 32.

⁴⁵ *Ibid.*, p. 33.

peace and good government. In its operation the assurances made by the Democratic party to the people, that no white man would be disfranchised thereby, have been amply verified.”⁴⁶

SUFFRAGE RESTRICTIONS BEFORE THE COURTS

Without further evidence, it may be taken as an admitted and notorious fact that the suffrage provisions of seven states in the Solid South were adopted for the purpose of eliminating the Negro vote. They were ingenious provisions, which sought to disguise, in the letter of the law, their real motive. Their real motive, and likewise their actual effect, was to nullify the Fifteenth Amendment. Under the circumstances, it was natural that efforts should have been made to raise before the Supreme Court the question of their constitutionality. Several interesting cases did reach that court; but in none of them was the question presented squarely or in such a form as to elicit a clear-cut decision.

Validity
of suffrage
restrictions
questioned

The first important case was that of *Williams v. Mississippi* (1898).⁴⁷ The laws of Mississippi required jurors to be registered voters. A Negro by the name of Williams, having been indicted for murder by a grand jury composed exclusively of white men, claimed that the suffrage provisions of the state constitution were designed to discriminate against Negroes and that such discrimination was effected, not directly by the constitution, but indirectly by the powers entrusted to administrative officers. He did not, however, cite any specific instances in support of this proposition; and the court dismissed the writ of error on the ground that the constitution and the laws of the state “do not on their face discriminate between races, and it has not been shown that their actual administration was evil, only that evil was possible under them.”

The case of *Giles v. Harris* (1903)⁴⁸ concerned the right of Negroes to register under the Alabama grandfather clause. That clause, it will be remembered, permitted the permanent registration, before the end of 1903, not only of veterans and their lawful descendants, but of “all persons who are of good character and who understand the duties and obligations of citizenship.” Giles, having attempted to register under the latter provision, alleged that he had been rejected arbitrarily by the board of registrars on account of his

⁴⁶ Pickett, *op. cit.*, p. 250.

⁴⁷ 170 U.S. 213. But see *Norris v. Alabama*, 294 U.S. 587 (1935).

⁴⁸ 189 U.S. 475.

color. He brought a bill of equity to compel the board to enroll him as a voter and to have the suffrage provisions of the state constitution declared void as repugnant to the Fourteenth and Fifteenth Amendments. The court decided nothing, however, but the question of jurisdiction. It held that a suit in equity was not the proper proceeding for the redress of political wrongs. Then, because it regarded the situation as "new and extraordinary," it proceeded to dispose of two "final considerations." In the first place, Giles had asked to be registered under provisions which he nevertheless claimed were void. "If," said the court, "the sections of the constitution were illegal in their inception, it would be a new doctrine in constitutional law that the original invalidity could be cured by an administration which defeated their intent. We express no opinion as to the alleged fact of their unconstitutionality beyond saying that we are not willing to assume that they are valid, in the face of the main allegations and object of the bill, for the purpose of granting the relief which it was necessary to pray in order that the object should be secured." In the second place, the courts have no constitutional power to control state action by direct means, and as little practical power to deal with the people of the state as a body. "Unless we are prepared to supervise the voting in that state by officers of the court, it seems to us that all the plaintiff could get from equity would be an empty form. Apart from damages to the individual, relief from a great political wrong, if done, as alleged, by the people of a state and the state itself, must be given by them and by the legislature and political department of the government of the United States." Giles carried another case to the Supreme Court on writ of error, but the writ was dismissed for want of jurisdiction.⁴⁹

The case of *Jones v. Montague* (1904)⁵⁰ arose under the Virginia constitution of 1902. Jones petitioned for a writ of prohibition to prevent the canvass of votes cast in the election of a congressman. He alleged that the purpose of the dominant party was the disfranchisement of Negroes and that, though properly qualified, he had been deprived of his right of voting in the congressional election. By the time the case had reached the Supreme Court on writ of error the canvass had been made and the certificate of election issued. Since the thing sought to be prohibited had been done and could not be undone by any order of the court, the writ of error was dismissed. The court

⁴⁹ *Giles v. Teasley*, 193 U.S. 146 (1904). But in *Myers v. Anderson* (238 U.S. 368, 1915) an earlier law was revived in place of the law held invalid.

⁵⁰ 194 U.S. 147.

seemed to imply that redress lay with the political branch of the government, since the House of Representatives was sole judge of the election and qualifications of its members.

Restrictions im-
pregnable
until 1915

Down to 1915 the constitutional structure which had been erected against the Negro stood secure. The Supreme Court seemed ready to take advantage of technicalities to avoid expressing an opinion on broad constitutional grounds. On the other hand, the political branch of the government, to which responsibility was shifted, in turn seemed to regard the matter as one appropriate to judicial settlement.⁵¹ In truth, public opinion outside the Solid South had begun to take a rather sympathetic view of the Southerner's attitude. The weak point in the suffrage arrangements was the grandfather clause. When the Supreme Court held that the Mississippi constitution did not discriminate on its face between the races, it was concerned with a constitution that had no such clause. Ostensibly, of course, the grandfather clause, far from denying the right to vote, enlarged it. But the South felt uneasy on this point. In North Carolina proposals to permit a new permanent registration, in 1912 and 1916, were rejected, it was thought unwise to invite litigation in this way. The opportunity of permanent registration had ended in every one of the six states when the Supreme Court condemned the recently-enacted grandfather clauses of Oklahoma and Maryland in 1915.⁵²

Oklahoma
"grand-
father
clause"
unconsti-
tutional

The court held these clauses invalid on the ground that they recurred to conditions which had existed before the adoption of the Fifteenth Amendment and which the amendment prohibited. "How can there be room," asked Chief Justice White in the Oklahoma case, "for any serious dispute concerning the repugnancy of the standard based upon January 1, 1866 (a date which preceded the adoption of the Fifteenth Amendment), if the suffrage provision fixing that standard is susceptible of the significance which the government attributes to it? . . . To hold that there was even possibility for dispute would be but to declare that the Amendment [is] wholly inoperative because susceptible of being rendered inapplicable by mere forms of expression embodying no exercise of judgment and resting upon no discernible reason other than the purpose to disregard the prohibitions of the amendment by creating a standard of

⁵¹ Mathews, *op. cit.*, p. 126.

⁵² *Guinn and Beal v. U.S.*, 238 U.S. 347; *Myers v. Anderson*, 238 U.S. 368. In 1916 Oklahoma met this decision by requiring registrars to enroll all persons who had voted in 1914, when the grandfather clause was in force, and other persons only if satisfied as to their qualifications. In 1939 the Court held the act invalid. *Lane v. Wilson*, 307 U.S. 268.

voting which on its face was in substance but a revitalization of conditions which when they prevailed in the past had been destroyed by the self-operating force of amendment. . . . We are unable to discover how, unless the prohibitions of the Fifteenth Amendment were considered, the slightest reason was afforded for basing the classification upon a period of time prior to the Fifteenth Amendment. Certainly it cannot be said that there was any peculiar necromancy in the time named which engendered attributes affecting the qualifications to vote which would not exist at another and different period unless the Fifteenth Amendment was in view."

The question arises whether the grandfather clauses of the Solid South, though not part of the regular scheme of registration (as they were in Oklahoma and Maryland), are imperilled by the new doctrine of the court. Perhaps they are. If the court were forced to meet the question directly, they would fall. At least the Louisiana and North Carolina clauses would fall, because they are based, to use the language of the court, "purely upon a period of time before the enactment of the Fifteenth Amendment and make that period the controlling and dominant test." But not one Negro would gain a vote thereby—that is, unless the court should hold, as it did in the Oklahoma case, that the unconstitutionality of the grandfather clause rendered other provisions connected with it void. Nor would the matter be of much importance as affecting the rights of white voters.

ACTUAL EXTENT OF NEGRO VOTE

Apparently the Solid South has solved the problem of Negro suffrage. Wherever the Negroes form a large element of the population, they have been eliminated from political activity. It is desirable to inquire how far this elimination was brought about by ingenious constitutional requirements. In Mississippi, where they were imposed in 1890, they seem to have had the effect of cutting the aggregate vote of the state in half; and the Republican vote (cast mainly by Negroes) fell from thirty thousand to five or six thousand. The decline was particularly marked in the "black belt." According to the census of 1890, the Negroes formed 96 per cent of the population of Washington county. There Harrison, the Republican candidate for President, received 1,322 votes in 1886, but only 20 votes in 1892. In Grenada, another black county, the Harrison vote fell from 253 to 2. The constitutional provisions of 1898 reduced the electorate of Louisiana by a third, here again the effect being chiefly

Effect of
constitu-
tional re-
strictions

noticeable in the black counties. Thus in Madison (92 per cent black) the total vote fell from 1,356 to 158; in Tensas (93 per cent black) from 1,360 to 217. The curious fact develops that the decline was often more marked on the Democratic than on the Republican side; this leads to the conclusion, not that many whites were disfranchised, but that they no longer took the trouble to vote when the Negroes could not vote. As to the white counties, where the decline is mostly on the Republican side, it may be assumed that many whites had long since abstained from voting because of their easy predominance.

Another
factor
present

As a matter of fact, toward the end of the nineteenth century the Negro vote dwindled everywhere, irrespective of constitutional provisions. In some states (Virginia, for example) the new suffrage requirements hurried the process; in other states (South Carolina, for example) they had no perceptible effect. Florida took no legal measures to eliminate the Negro (except to require a poll tax); yet the Republican vote declined from 26,657 in 1888 to 11,288 in 1896 and 6,238 in 1900. Kelly Miller, himself a Negro, wrote in 1906: ⁵³ "In Alabama there are less than 3,000 qualified Negro voters. Even under the severities of the revised constitutions and the unfairness of registration officers there ought to be at least ten times as many as are now on the list. Indifference more than any other cause accounts for this condition. 'What is the use?' is the universal response to the inquiry concerning this political inactivity. It seems to me that the colored race in Texas, Florida, Georgia,⁵⁴ and Kansas [Arkansas], where the state constitutions have not been revised, is losing by default the right of which they have been violently bereft in the more stringent Southern states."

Apathy
of the
Negro

If the subsidence of the Negro vote cannot be attributed merely to the operation of suffrage laws, if these must be considered rather as tending to produce the result and as capable of being effectively employed to produce it, what is the real explanation? It may be stated in this way. Negro suffrage has no natural basis. It was given, without the asking, to a class that knew nothing of politics and could not use political rights intelligently. The Negro prized the ballot and eagerly used it while stimulated thereto by unprincipled white leaders. Then came his disfranchisement, first by force and trickery, later by legal methods. There developed in the South, irrespective

⁵³ *The Voice of the Negro*, p. 361.

⁵⁴ Georgia did not amend her constitution till 1908, two years after Kelly Miller wrote his book.

of party, a fixed principle that politics must be a white monopoly.⁵⁵ Republican politicians began to identify themselves with a "lily white" movement which would expel Negroes from the organization and win the confidence of the whites. Indeed, these politicians, as their black cohorts melted away, deserted the fruitless field of state politics, confining their energies to intrigues in the national conventions and the pursuit of federal patronage.⁵⁶ Under the circumstances it would be strange if the Negro did manifest a desire to vote. He is no longer under the urgent lash of the leader's whip; he knows that his ballot, if he could cast it, would have utterly no effect upon the election. Political indifference is common enough in all communities; Bryce places politics in fifth place among the interests of the average man. It hardly ranks at all among the interests of the Southern Negro to-day. The cause of Negro abstention, says Stone, is the inherent lethargy of the race.⁵⁷ "The Negro masses in fact do not have to be excluded. They will disfranchise themselves if left to their own devices." Without question, then, there is a great deal of genuine apathy. At the same time, as Paul Lewinson tells us,⁵⁸ the Negroes are deeply conscious of their political inferiority, and resentful. Without a block of votes to deliver or withhold, they cannot bargain with white politicians for schools and parks in the Negro quarter or more considerate treatment at the hands of the police. The ballot would bring bargaining power if all Negroes possessed it. But there is little enthusiasm for a privilege that only

⁵⁵ "After more than a generation," says Stone (*op. cit.*, p. 353), "Southern opposition to Negro suffrage had ceased to be a matter of party affiliation."

⁵⁶ Frank R. Kent observes (*op. cit.*, pp. 317-318): "These men all hold federal offices. They are not in politics for their health. They are in it solely and entirely for the federal patronage. It is a business with them. Distinctly it is not to their interest to build up a virile, fighting Republican party in these states. Such a party would develop competition for control and candidates for their jobs. Those are the last things they want. They centre on the control of the delegations from their states to the Republican national conventions. Every four years their aim is to take to the national convention a hand-picked delegation from their states, which will gain them recognition as state leaders by the national leaders. In the event of the election of a Republican President, this means that they and they only become the distributors of the federal plums in their states. It is for this purpose that they work to keep the local Republican machinery in their hands. Under the circumstances it is easy to see why they are entirely satisfied to let the Democrats pass white primary laws without protest, and why they make no particular effort to induce the Negro to register."

⁵⁷ *Op. cit.*, p. 374.

⁵⁸ *Race, Class and Party* (1932), p. 125.

a few can hope to enjoy. The whites, aware that latent aspirations might be aroused, refuse to expand the Negro electorate far enough to have it affect the conduct of politicians.

Extent of
Negro
vote

A certain number of Negroes are allowed to vote. Often, outside the black belts, a shifting quota is assigned to the colored people, never large enough to give them any sense of power or to encourage the formation of political or civic clubs. The quota includes a few leaders—physicians, preachers, school principals—and other “recommended” persons.⁵⁹ Such concessions are made more frequently in Virginia and North Carolina than in the Lower South, where (with some exceptions) an agrarian economy prevails and where the dominant poor-whites have not inherited the patriarchal interest of the Bourbons in the welfare of the colored race.⁶⁰ They are made more frequently in urban than in rural areas. Lewinson finds a correlation between urban conditions and a comparatively large Negro vote; and he considers this important for the future, because the South is becoming more urban and because cities are the focal point of change.⁶¹ He finds in the cities less antagonism to Negro suffrage, perhaps because of a characteristic attitude of indifference.⁶² He says: ⁶³ “The cities, therefore—not all of them, but they more than the little town and the country—provided for Negro suffrage a background of white apathy and Negro anonymity. The cities drew in a varied group of whites ready, perhaps anxious, for change. The cities were the seat of Negro culture, prosperity, and organization.” Finally, a good many Negroes are permitted to vote in presidential, as against state and county, elections.⁶⁴ Southern opinion tolerates “this periodical loosening of the leash” by which Negro activity is given some scope, because it does not affect white ascendancy.⁶⁵ Participation is, of course, limited. In 1928 some 18,000 Negroes—

⁵⁹ *Race, Class and Party* (1932), p. 126.

⁶⁰ *Ibid.*, pp. 121-122.

⁶¹ *Ibid.*, p. 132.

⁶² *Ibid.*, p. 134.

⁶³ *Ibid.*, p. 157. Lewinson gives (p. 123) the Negro registration in a number of cities. In Mobile, Jackson, and Columbia the number runs from 50 to 200, but it rises to 761 in Portsmouth and to 1,500 in Raleigh, both in the Upper South. The last figure looks dubious. Mabry (*The Negro in North Carolina Politics*, 1940, p. 80) gives only 375 for 1930. In 1941 several politicians in each state gave estimates of the Negro vote. As to seven states I find fair agreement: Alabama, 5,000; Arkansas, Mississippi, and Virginia, under 10,000; North Carolina, 30,000; South Carolina, under 1,000; Texas, 20,000.

⁶⁴ *Ibid.*, pp. 157-158.

⁶⁵ In 1928, however, Democrats, Republicans, and “Hoovercrats” did some undercover bidding for Negro votes. *Ibid.*, p. 158.

5.2 per cent of the literate adults of that race—registered in Virginia. This constitutes a record for the Solid South.⁶⁶ On the other hand, the border states seldom put obstacles in the way of registration. This holds true even in Maryland and Tennessee, where the Negro element is large (16.9 and 18.3 per cent of the population in 1930; the data for 1940 are not yet available). Only in two or three river-bottom counties of Tennessee is there discrimination.⁶⁷ In 1922, according to Frank R. Kent, 40 per cent of the adult Negroes registered in Maryland.⁶⁸ In West Virginia several Negroes have been elected to the legislature within recent years.

The dominance of the Democratic party has been assured by constitutional arrangements. Indeed, without them it would probably remain secure in nine of the ten states; for in Mississippi alone do the Negroes outnumber the whites.⁶⁹ Democratic candidates are always elected. Therefore, the Democratic primary affords the sole approach to office.⁷⁰ Throughout the Solid South that primary is a "white primary," Negroes being excluded by party rule. There is nothing novel in this practice. From the days of Reconstruction—barring the period of the agrarian revolt of the 80's and 90's, when the exigencies of warfare against the Populists overrode all other considerations—the Democratic party has been "lily white." Of late, however, the method of excluding Negroes has been standardized, and the significance of such exclusion has become better known. The Negro now understands that, even if he should win the right to vote in general elections, he could do no more than ratify the action of the Democratic white primary or make an empty gesture of dissent by supporting any Republican candidate who might be nominated. The general election simply confirms decisions that have already been made. Unless a vote is cast in the Democratic primary, it has slight practical value. Realizing this, Negroes have begun to attack the constitutional validity, under the Fourteenth

The
"white
primary"

⁶⁶ *Race, Class and Party* (1932), p. 162.

⁶⁷ *Ibid.*, p. 120.

⁶⁸ *Op. cit.*, p. 314.

⁶⁹ By a fifth of 1 per cent, according to the census of 1930, a decline of 2 per cent since 1920 and 8.3 per cent since 1900. In South Carolina the percentage declined from 60.7 in 1880 and 51.4 in 1920 to 45.6 in 1930. The data for 1940 are not yet available.

⁷⁰ In nominating all candidates for state and local office, the Democratic party makes use of the direct primary even when the law permits an alternative method. The direct primary is mandatory in five states, and optional in five others, the latter being Alabama, Arkansas, Georgia, South Carolina, and Virginia.

and Fifteenth Amendments, of rules excluding them from participation;⁷¹ and some nice legal points still remain to be decided.

Universal
in the
Solid
South

It is generally true in the United States that every qualified voter may affiliate with a party and so gain entrance to its primary. The party has lost the right of regulating its own membership. It must admit any voter, as defined by state law, who wants to join it. In the Solid South, however, party has not been so completely divested of its original autonomous character. The law provides that some party authority, which may or may not be specified,⁷² may (as in Florida) "declare the terms and conditions on which *legal electors* shall be declared and taken as members" or (as in Alabama) "fix and prescribe the qualifications of its members." Thus, permission is given either to formulate completely rules of membership or to impose qualifications beyond those laid down by statute. It is true that in Arkansas and North Carolina the laws are silent on this matter. But the right to regulate membership has not been denied; and, the parties being regarded as voluntary associations, the white primary has been established in Arkansas by the state committee and in North Carolina by county or city organizations. For all ten states membership in the Democratic party is limited to *white* electors; and in all but North Carolina the rule has been adopted by the state central committee or the state convention.⁷³ Certain western counties of North Carolina do admit Negroes to the primary.⁷⁴ There has been a like tendency in the larger cities of Virginia since 1930, when the United States circuit court of appeals, sustaining the district court, held the state-wide white-primary rule unconstitutional.⁷⁵ Elsewhere,

⁷¹ O. D. Weeks, "The White Primary," *Mississippi Law Journal*, December, 1935, pp. 2-20; Mangum, *The Legal Status of the Negro* (1940), pp. 405-24.

⁷² In Alabama, Florida, Louisiana, Mississippi, and Texas the state central committee is specified. Georgia, South Carolina, and Virginia simply leave the fixing of additional qualifications to party rules. As mentioned in the text, the other two states make no legal provision. But, in its absence, the Democratic authorities assume the right to act.

⁷³ The Democrats of Tennessee have a white primary, established by county committees in most parts of the state, but not in Nashville, where 3,500 Negroes voted in one election. Lewinson, *op. cit.*, pp. 153 and 162. Otherwise the phenomenon is peculiar to the Solid South. Weeks, *op. cit.*, p. 8.

⁷⁴ Lewinson, *op. cit.*, p. 153. In that state, I am told by party officials (1941), 80 per cent of the qualified Negroes now vote the Democratic ticket; in Virginia, 90 per cent. This phenomenon is ascribed to the New Deal.

⁷⁵ In *Bliley v. West* (42 Fed. 101). Mangum, p. 414; Weeks, p. 14. It is somewhat difficult to regard the Democratic party of Virginia as a voluntary association, since the primary system, though optional, is financed by the state.

according to Paul Lewinson,⁷⁶ breaches in the white primary are due to "local anomalies and exceptions made in favor of individuals." There are a few surviving "Hampton Negroes" in South Carolina. A Negro may be permitted to vote in the primary if ten reputable white men state in writing, and make oath, that to their own knowledge he voted for General Wade Hampton in 1876 and has supported the Democratic ticket ever since!

Nevertheless, where the Negro element is relatively small, factional fights within the Democratic party have, now and then, led to a dilution of the white primary. This occurred in North Carolina and Texas, after the presidential election of 1928, as a consequence of the antagonism between regulars and Hoovercrats. For the primary of 1930 four Texas counties let down the bars; and in North Carolina, apparently, the county rules were "quietly suspended throughout the state."⁷⁷ The significance of such episodes, confirming memories of the Democratic-Populist cleavage fifty years ago, impresses the South. The solution of the racial problem, on its political side, would be imperilled by a two-party system. Texas, of course, having much the smallest proportion of Negroes (14.7 per cent), does not react like Mississippi (50.2 per cent). Negro suffrage would not constitute a very serious menace to white supremacy. At least, certain counties are Laodicean, Bexar among them. It was in the hope of depriving the local Tobin machine of Negro support and breaking its hold on Bexar county that McAskill urged the passage of a state white-primary law as a substitute for the existing party

Origin of
the Texas
statute

The court held that the legislature, by delegating power of such kind to the state convention, had violated the Fifteenth Amendment. The case was not appealed to the Supreme Court: not only would it have been inexpedient for the Democratic party to finance an appeal taken by state officials, but also, from the point of view of white supremacy, no real problem exists in Virginia. I am indebted to Professor R. K. Gooch, of the University of Virginia, for this information. "Only a few counties are in the 'black belt,'" he explains; "and in those, as well as throughout the state, the Democratic Party has firm control of the election machinery. The registrars may, without violating the letter of the law, exclude from voting whomever they wish by refusing to register him. This makes a great deal depend upon the registrars." In *Robinson v. Holmore* (1930) the supreme court of Arkansas (where the direct primary is not only optional, but conducted and financed by the party) held that the party, not being an agency of the state, could make rules for membership without violating the Fourteenth Amendment, or the Fifteenth. An appeal to the Supreme Court of the United States was dismissed for want of jurisdiction. Weeks, *op. cit.*, p. 14.

⁷⁶ Lewinson, *op. cit.*, p. 153.

⁷⁷ *Ibid.*, pp. 154-155. See also W. A. Mabry, *The Negro in North Carolina Politics Since Reconstruction* (1940).

rule.⁷⁸ The famous statute of 1923 originated in an obscure squabble among local politicians.

Statute
held
unconstitu-
tional

This statute provided that "in no event shall a negro be eligible to participate in a Democratic primary election" and that any ballot cast by a Negro "shall be void." A recent decision of the United States Supreme Court opened the way, it seemed, to such legislation. If a primary forms no part of an election, as might be inferred from the *Newberry* case,⁷⁹ exclusion from a primary would not constitute a denial of the right to vote within the meaning of the Fifteenth Amendment. But, when the Supreme Court found the law unconstitutional, in 1927, it did so exclusively under the equal-protection-of-the-law clause of the Fourteenth Amendment.⁸⁰ The legislature met this rebuff by substituting a statutory provision that reads: "Every political party in this state through its state executive committee shall have the power to prescribe the qualifications of its own members and shall in its own way determine who shall be qualified to vote or otherwise participate in such political party." The Democratic committee thereupon adopted a white-primary rule. Once again, however, the Supreme Court invoked the Fourteenth Amendment and found the statute unconstitutional.⁸¹ The committee, having no power of its own to make such a rule, must have acted on the authority of the party's state convention or else of the legislature; and, since the legislature alone—not the party convention—had made the committee its agent in the matter, the discrimination became an act of the state. This language of the court suggested that the convention had the necessary legal power. In 1932, when the statute had been repealed, the Democratic state convention excluded Negroes from the primary. Three years later, by a unanimous decision, the Supreme Court upheld the new white-primary rule.⁸²

But Texas
finds a
way

⁷⁸ Lewinson, *Race, Class and Party* (1932), p. 113.

⁷⁹ *Newberry v. U.S.*, 256 U.S. 232 (1921). See the discussion of this case at the close of Chapter XXIV.

⁸⁰ *Nixon v. Herndon*, 273 U.S. 536 (1927).

⁸¹ *Nixon v. Condon*, 286 U.S. 73 (1932).

⁸² *Grovey v. Townsend*, 294 U.S. 45 (1935). The court "was not prepared to hold that in Texas the state convention of a party has become a mere instrumentality or agency for expressing the voice or will of the state." Nor would it regard "the managers of the primary election as state officers in any such sense that any action taken by them in obedience to the mandate of the state convention respecting eligibility to participate in the organization's deliberations is state action." The state does concern itself with the right to vote, "for the general election is a privilege of the state government, and discrimination by the state as respects participation by Negroes on account of their race or color is prohibited

Future
outlook
for white
primary

The decision of 1935 vindicated the white primary in Texas, but not necessarily in other parts of the Solid South. In Texas, as this decision indicated, the Democratic party is a voluntary association. The state courts have held it to be such; and, although the primary is not optional, the party conducts and pays for it. In the second Texas case (*Nixon v. Condon*) four justices, in a dissenting opinion, contended that a party, being a private association, is at liberty to determine its own membership. "The state may not interfere. White men may organize; blacks may do likewise. A women's party may exclude males. This is essential to free government." This generalization, it would seem, is altogether too sweeping. As the state proceeds with regulation, a point may be reached at which the party loses its private character. The courts of Florida, Louisiana, and Virginia have held that the primary is a part of the machinery of state elections.⁸³ In these states—and also in Alabama, Mississippi, and North Carolina—the government finances the primary, and—except in Alabama, Mississippi, and Virginia—administers it. There the relation of government to the party differs from that in Texas. In 1930 the United States circuit court of appeals, sustaining the district court, condemned Virginia's white-primary rule.⁸⁴ The legislature was the indirect source of the rule, since it had authorized the party convention to lay down "other requirements." It is often said that the Newberry case (1921) differentiated primaries from elections. As a matter of fact only four justices took that position. A fifth justice did deny the power of Congress to regulate senatorial primaries *before the adoption of the Seventeenth Amendment*. Twenty years later (1941), in *U.S. v. Classic*, the Supreme Court held that a primary is part of the process of election and that Congress may regulate nomination to federal office. (See page 75 *infra*.)

Republican
practice

Only by way of exception do the Republicans hold direct primaries. Why should they? In view of the fact that the membership includes so few qualified voters outside of North Carolina and Virginia, they rarely run candidates for state or congressional offices; and they never do so in states like Mississippi and South Carolina, where almost all white men are Democrats. They hibernate during

by the federal constitution." But with the privilege of membership in a party the state need have no concern. On the Texas cases see Mangum, pp. 411-422.

⁸³ O. D. Weeks, "The White Primary," *Mississippi Law Journal*, December, 1935, p. 11. An opposite position has been taken by the courts of Arkansas, Georgia, South Carolina, and Texas. Note comments of Mangum, p. 422.

⁸⁴ *Bliley v. West*, 42 Fed. 101 (1930). See note 75 on pp. 62-63 *supra*.

the interval between presidential elections. When there are nominations to be made, it is simpler to call a delegate convention than to hold a primary—and much less expensive if the government does not defray the cost of holding it.⁸⁵ In five states the party is permitted by law to choose either method.⁸⁶ As to the other five states, the Republicans do not run candidates in Louisiana or Mississippi; and the law of Texas, and of Florida till 1939, applies only when they poll an abnormally large state-wide vote.⁸⁷ In North Carolina they do, as a rule, make use of the direct primary.⁸⁸ While there is no rule excluding Negroes, the party organization has proclaimed itself lily-white. According to the state platform of 1922, "the Republican party of North Carolina is an organization of white men and women. It has no intention of appointing Negroes to office within the state." This attitude can readily be understood. The Republicans dominate several counties and on occasion get control over others. They have nothing to gain and much to lose by catering to voteless Negroes. In South Carolina, on the other hand, it can scarcely be said that there is a Republican party from the standpoint of elections. Some 2,200 votes were cast for Harding in 1920; 1,600 for Landon in 1936; 4,500 for Wilkie in 1940. A skeleton organization satisfies the needs of sending hand-picked delegates to Republican national conventions and of dispensing federal patronage.

CAN THE SOLID SOUTH BE BROKEN?

Republican
hopes in
the South

If the political aspect of the race question has finally been settled in the South, as so many believe, why should the Solid South remain unbroken? Must its isolation be permanent, or are there tendencies already at work which will eventually re-absorb the South in the gen-

⁸⁵ The parties must meet the expense of the primary in Arkansas, Georgia, South Carolina, and Texas.

⁸⁶ Alabama, Arkansas, Georgia, South Carolina, and Virginia.

⁸⁷ In Texas 100,000 votes; but a party casting over 10,000 votes for governor *may* select state-wide candidates in the primary. In Florida, formerly, 30 per cent of the total vote gave legal party status; the new requirement (1939) is an enrolled membership equal to 5 per cent of the total registration. In Mississippi, a party which, in the last presidential election, failed to poll one third of the state vote must bear the expense of its primary.

⁸⁸ It is mandatory for parties that poll, as the Republicans always do, 3 per cent of the state-wide vote. Yet at times a Republican convention draws up a list of candidates; and a subsequent primary is not required by law if no rival aspirants for nomination come forward. There being no chance of election, the convention slate is not disputed.

eral politics of the country? High but ill-founded hopes of breaking the Solid South have been entertained in the past. The Populist irruption in the early nineties was expected to accomplish much; so too McKinley's conciliatory methods and his liberality in recognizing Southern Democrats in the way of patronage, for the Southern leaders at that time had little regard for Bryan. Within the past generation the Republicans have, for one reason or another, found encouragement in the prospect. Optimism has survived the frequent failure of expectations. In 1908 Secretary Straus said that it would soon be a misnomer to speak of the "Solid" South, a prophecy which the rather more cautious language of President Taft seemed to endorse. Not till 1920, however, did such hopes meet with the slightest justification. Then the Republican vote increased everywhere (from 1 to 600 per cent in six states), while the Democratic vote, in spite of the establishment of woman suffrage, declined absolutely in three states and remained stationary in two others. Two Republicans were elected to the House of Representatives. The future looked bright. But the election returns of 1924 once again brought disappointment. Aside from Texas, Republican strength ebbed, even receding below the figures of 1916 in Arkansas and South Carolina. Consequently, what happened four years later occasioned general surprise. President Hoover carried four states—Virginia, North Carolina, Florida, and Texas. Six congressmen were elected.⁸⁹ The question whether the Solid South ever could be broken had received an answer.

Perhaps there was some excuse for the widespread view among Republicans that the breach would not only be permanent, but also grow steadily wider. Obviously the old South was in a process of transformation. The outlines of a new economic and social order were now visible.⁹⁰ For twenty years manufactures had been developing at a more and more rapid pace. By 1927 North Carolina had displaced Massachusetts as the leading textile state;⁹¹ and Southern mills accounted for half the consumption of cotton in America.⁹² The South was producing iron and steel, cotton-seed oil, petroleum, cigars and cigarettes, furniture, and paper. It possessed magnificent

Based on
social and
economic
changes

⁸⁹ Three in Virginia, two in North Carolina, and one in Texas. The Solid South had at that time 94 representatives in Congress.

⁹⁰ S. D. Myres, Jr., "Politics in the South: an Estimate," *Arnold Foundation Studies*, Vol. III (1934), No. 1.

⁹¹ Oliver Carlson, "Southern Labor Awakes," *Current History*, Vol. XXXV (1931), p. 155.

⁹² L. J. Nations, "The Old South Faces the Machine," *Current History*, Vol. XXXIII (1930), p. 56.

natural resources, quite capable of bringing the new industrial order to realization. While agriculture remained the dominant occupation of the people, manufactured products exceeded farm products in value.⁹³ "The brains of the South," we are told,⁹⁴ "formerly went into politics and the professions, but now a business career is the goal of ambitious youth." Naturally, the Republican policy of protection attracted many business men, a low tariff being inadequate to satisfy the diverse interests of the new community. As a further consequence of industrial expansion, population began to concentrate in urban centers. This marked tendency affected almost every phase of Southern life.⁹⁵ The city-dweller develops habitual modes of conduct, interests, and opinions that the farmer finds strange. He cannot be confined in the rural mold. Discarding old prejudices for new, he welcomes change and cultural readjustments. Whether for good or evil, the urban ideology influences rural thinking, because the farmer gets infected through newspaper and radio and through frequent visits to the city in his automobile. Ten years ago it was already apparent that the city-dweller had relatively little respect for the traditions of the old South. He was inclined to question the inherited antagonism to Negro suffrage and to the Republican party. For various reasons he called upon the government to provide more elaborate services, even at the expense of private initiative, and did not much care whether the response came from state or national government. The shibboleth of "states' rights" aroused no enthusiasm. Again, the influx of Northerners and northern capital had some political effect in North Carolina, Florida, Texas, and other states. If such were the tendencies, the Republican conquests of 1928 might well justify the expectation of still greater success in the future.

President Hoover evidently believed that he could break down sectional lines and build up a strong and respectable Republican party in the South.⁹⁶ Two reforms were necessary: to dislodge the

Hoover's
vain ex-
periment

⁹³ Nations, *op. cit.*, p. 57.

⁹⁴ Robert W. Winston, "The South in Transition," *Current History*, Vol. XXXV (1931), p. 189.

⁹⁵ Myres, *op. cit.*, p. 32.

⁹⁶ Others shared his views as to the meaning of the election of 1928. Earle Kinsley, national committeeman from Vermont, said, "The Solid South was not only broken, but was demolished." *New York Times*, November 8, 1928. C. Bascom Slemph, national committeeman from Virginia, said: "The South will henceforth be an open forum for political discussions. There is no doubt that the South will be entirely sympathetic with Mr. Hoover's administration, hoping for its success. The Southerners will feel that they are a part of that administration."

machines that trafficked in federal patronage and to win the confidence of the white community by transferring control from the black-and-tans to the lily whites. At a press conference, soon after his inauguration, the President demanded reorganization in South Carolina, Georgia, and Mississippi. In the distribution of patronage, he refused to recognize the national committeemen, authorizing Postmaster General Brown to consult reliable citizens as to the qualifications of all applicants for office. It was commonly believed that he was set upon making the Republican party as white as the Democratic in the South and excluding Negroes from the suffrage. If he persisted in any such venture, the disappointment and soreness of Negro leaders everywhere would exact a heavy political price in 1932.⁹⁷ By the end of 1930, however, the creation of a white man's party had not proceeded very far.⁹⁸ With some exceptions, "the supposedly excommunicated delegation-controlling state leaders were handling the federal patronage as usual."⁹⁹ Once more old political habits had proved too strong for a new politician. President Hoover had failed, said the *New York Times*; "throwing politics out of the window only brings it back through the door."¹⁰⁰ For a time the lily-white movement made progress. Then it receded. By 1941 lily-white organizations existed only in Virginia, North Carolina, Florida (perhaps), and Texas.¹⁰¹ But in Texas, though never nominated for office, Negroes sit as convention delegates.

In fact, Republicans had misread the signs and portents of 1928. They were wrong in assuming that allegiance to the Democratic

Election
of 1928
abnormal

New York Times, November 25, 1928. On the other hand, in an editorial (November 16) the *Times* warned Mr. Hoover that he was "doomed to disappointment" if he thought that the South would follow Republican policies with faith and approval.

⁹⁷ See editorial in *New York Times*, March 27, 1929.

⁹⁸ Lewinson, *Race, Class and Party* (1932), p. 175. He sketches the situation in each of the ten states. In several states there were dual organizations. The lily-whites were clearly in control only in Virginia, North Carolina, and Texas.

⁹⁹ Peel and Donnelly, *The 1932 Campaign—An Analysis* (1935), p. 57. On August 5, 1930, the *New York Times* said: "He apparently thought it would be possible to make the Republican party in the South an eminently respectable body which might again carry three or four Southern states for the party ticket. But this last hope has already vanished. It is now clearly seen that the campaign of 1928 was entirely exceptional, and that the South is steadily swinging back to its Democratic moorings. And it is more than a coincidence that with this fact, now generally admitted, there is now synchronized the new attempt of Southern Republicans to go back to the old bad organization methods."

¹⁰⁰ April 19, 1931.

¹⁰¹ Information furnished by various party officials in August, 1941.

party and white solidarity had loosened. It was to register their resentment over the nomination of Alfred E. Smith that Southerners, while supporting the Democratic state ticket, cast a vote of protest for Hoover. Governor Smith stood for things that the South distrusted—immigrant stock, the sidewalks of New York, the brass rail, Tammany, and Catholicism. By far the most important factor was the last. Let us remember that hitherto no Catholic had been nominated for the presidency. How freakish the election was, how lacking in significance for the future, may easily be shown. The “Hoovercrats” failed dismally in the ensuing state elections. Five of the six Republican congressmen disappeared in 1930; and two years later the Republican vote for President fell below the figures of 1924 in six states.¹⁰² The decline can be made clear by expressing the 1932 vote as a percentage of the 1928 vote:

Alabama	28%	Mississippi	19%
Arkansas	36%	North Carolina	59%
Florida	47%	South Carolina	62%
Georgia	31%	Texas	26%
Louisiana	36%	Virginia	54%

The Solid South had returned to normalcy. There is no chance that the aberration of 1928 will be repeated very soon. “The Democratic tradition and party organization,” says Myres,¹⁰³ “are so strongly entrenched that seemingly nothing short of a political revolution can dislodge them.”

Distrust of
Republicans in
South

Southerners cannot be expected to identify themselves freely with the Republican party unless it gives clear evidence of a change of heart on the Negro question. The Fifteenth Amendment is moribund (as far as political rights of the Negro in the Solid South are concerned), but the penalties of the Fourteenth Amendment still threaten. In 1904 the Republican platform for the first time dropped its insistence on the Fifteenth Amendment and, instead, demanded the application of the Fourteenth. In 1908 it declared “once more, and without reservation, for the enforcement in letter and spirit of the Thirteenth, Fourteenth, and Fifteenth Amendments to the constitution, which were designed for the protection and advancement of the Negro.” Then silence in 1912 and 1916. The platform in 1920 took a new line, no less distasteful to the South. It urged

¹⁰² The Republican vote for United States senator in Texas was 39,000 (against the Democratic 266,000) in 1930 and 12,000 (against 439,000) in 1934; in Virginia, 26,000 (against 112,000) in 1930 and 30,000 (against 109,000) in 1934.

¹⁰³ *Op. cit.*, p. 37.

Congress to abolish lynching, "a terrible blot on our civilization"; and, in his speech of acceptance, the presidential candidate declared that the Negroes "should be guaranteed the enjoyment of all their rights." Again in 1924 and 1928 Congress was urged to enact an anti-lynching law, "so that the full influence of the Federal government may be wielded to exterminate this hideous crime." The next two platforms dropped the subject of lynching, but mildly favored equal opportunity for Negro citizens; and a clause was added, in 1936, that pledged Republican protection to the personal safety of Negroes—no doubt a pussyfoot reference to what had been boldly condemned, a few years ago, as a "hideous crime." The platform of 1940 declared that suffrage should be made effective for Negroes and that mob violence should be curbed by law. These are not messages of peace and good will to the whites of the South. Yet the South knows how empty of significance such campaign declarations usually are and how anemic Republican phraseology on this topic has tended to become. President Hoover's singularly ambiguous answer to a colored delegation which, a month before the election of 1932, pleaded for reassurance suggested that the Negro had become the forgotten man. In fact, Codlin is now his friend, not Short. The Democratic party, by clever tactics, has won the confidence and support of hundreds of thousands of Negroes in the North, and even in the South.

It seemed clear by 1936 that the Negroes "had done busted away" from their traditional allegiance. Many newspaper polls, samplings of political attitudes, and analyses of registration figures confirmed the rough estimates of politicians. Thus, taking the city of Detroit, the registration of Negroes was something like 28 per cent Democratic in 1932, but 54 per cent four years later.¹⁰⁴ Taking the state of Indiana, the percentage was less than 20 in 1932, but 64 in 1934.¹⁰⁵ Undoubtedly President Hoover prepared the way for mass desertion by his lily-white policy in the South. Resentment was more apt to take tangible form now that the memory of emancipation and gratitude for it were fading. The Democrats took full advantage of the situation. In particular, they appointed Negroes to numerous and lucrative of-

Deser-
tion by
Northern
Negroes

¹⁰⁴ Henry Lee Moon in the *New York Times*, October 4, 1936.

¹⁰⁵ Turner Catledge in the *New York Times*, October 25, 1936. Robert L. Vann, Negro editor of the influential *Pittsburgh Courier*, asserted that a million Negroes voted for Roosevelt in 1932. Moon in the *New York Times*, October 4, 1936. Frank R. Kent, on the other hand, says that Guffey of Pennsylvania conceived in 1933 the idea of corraling the Negro vote. *Los Angeles Times*, September 4, 1937.

fices,¹⁰⁶ put them on relief,—sometimes, it was said, without searching scrutiny of their actual needs,—and tried to force through Congress a drastic antilynching bill. Apparently most Negroes who managed to get on the relief rolls showed their appreciation by becoming supporters of President Roosevelt.¹⁰⁷ Now, the importance of the Negro vote has increased notably since 1917. During the war and the period of prosperity that closed in 1929, two million black workers migrated to Northern cities in search of employment.¹⁰⁸ The number of Negroes qualified to vote was generally placed, in 1936, at a minimum of two millions.¹⁰⁹ Concentration in five states—New York, Pennsylvania, Ohio, Indiana, and Illinois—gave them a possible balance of power in a fairly close election.¹¹⁰ It is sometimes said that Roosevelt

¹⁰⁶ Robert L. Vann of Pittsburgh became an assistant attorney general in 1934; and, when he resigned to head the Negro division of the national committee's campaign organization, he was succeeded by George Hamilton. During the next three years Negroes were appointed to more than 150 positions at salaries ranging from \$2,500 to \$7,500—"more and better federal jobs than any Republican administration ever gave them." Frank R. Kent, *Los Angeles Times*, September 4, 1937. Shortly before the election of 1940 Roosevelt promoted a Negro colonel to a brigadier-generalship—a rank held by no Negro thitherto.

¹⁰⁷ Dr. George Gallup, Director of the American Institute of Public Opinion, reported in the summer of 1938 that, while only 56 per cent of the major-party voters then supported President Roosevelt, 84 per cent of all persons on relief did.

¹⁰⁸ This figure is given by Professor W. E. Du Bois, "A Negro Nation within the Nation," *Current History*, Vol. XLII (1935), p. 265.

¹⁰⁹ Du Bois, *op. cit.*, p. 269; H. L. Moon, *New York Times*, October 18, 1936. According to Frank R. Kent (*Los Angeles Times*, September 4, 1937), the Democratic national committee estimated that upwards of 2,000,000 votes in eight states were swung from the Republican ticket in 1936. A Negro congressman said that in twenty-three states 2,400,000 Negroes could vote in 1936. *United States News*, May 11, 1936.

¹¹⁰ It may be useful to show for these five states the number of Negroes and their percentage of the total population in 1910, 1920, and 1930.

	1910	1920	1930
New York	134,000 (1.5%)	198,000 (1.9%)	412,000 (3.3%)
Pennsylvania	193,000 (2.5%)	284,000 (3.3%)	431,000 (4.5%)
Ohio	111,000 (2.3%)	186,000 (3.2%)	309,000 (4.7%)
Indiana	60,000 (2.2%)	80,810 (2.8%)	112,000 (3.5%)
Illinois	109,000 (1.9%)	182,000 (2.8%)	329,000 (4.3%)

Within these states the Negroes were concentrated in certain cities: for example, 83% in New York and Buffalo; 64% in Philadelphia and Pittsburgh; 71% in Chicago. Concentration gives confidence, organization, and political influence. Senator Ellender of Louisiana published a mass of data in the *Congressional Record*, January 15, 1938, pp. 811-814, and January 17, pp. 849-860.

won these states in 1936 because of Negro support.¹¹¹ The statement is not true. Roosevelt would have won all of them without the help of a single Negro vote.¹¹²

The strange alliance between the Negroes and Democrats may well alarm the South. The votes must be paid for, the alliance must be confirmed by the granting of a *quid pro quo*. Already, against the determined opposition of the South, an effort has been made to enact an anti-lynching bill, one far more drastic than the Republican (Dyer) bill of 1920.¹¹³ Perhaps there are good grounds for apprehending still worse things. Inevitably, says David Lawrence,¹¹⁴ the Negro, through his Northern vote-getting strength, will "compel the federal police power to be exercised to ensure the ballot for him in state and federal elections everywhere." In 1861 the Southern states seceded, when both houses of Congress were controlled by the Democratic party, because they could no longer rely upon that party to protect their interests. To-day they experience a similar feeling of insecurity. They no longer find in the Democratic party a safe asylum for their sensibilities on the racial problem. They lost the power to veto presidential nominations when the century-old two-thirds rule was abrogated, in 1936.¹¹⁵ They have lost the constitutional safeguard against the invasion of states' rights, but lost it through their own acquiescence in—one might better say enthusiastic reception of—the New Deal. They had been "willing to exchange the shibboleth of states' rights for any three letters of the endowed alphabet"—WPA, PWA, AAA, etc.¹¹⁶ There has been

Its effect
on Solid
South

¹¹¹ So says Frank R. Kent, *Los Angeles Times*, February 25, 1938.

¹¹² Take the total Negro population as given in note 110, remembering that many are not qualified to vote, and compare it with these Democratic pluralities: N. Y., 1,113,000; Pa., 665,000; Ohio, 619,000; Ind., 243,000; Ill., 712,000. As a matter of fact, we must not suppose that more than three-quarters of the Negro voters did support Roosevelt. In 1940 (*New York Times*, February 4) Dr. Gallup reported that only 66 per cent of Negro voters now favored the Democratic party, as against 76 per cent in 1936. "Obviously there has been a substantial movement on the part of Negro voters toward the Republican party in the last three years." On the other hand, correspondence with party officials in the Solid South indicates that the few Negro voters in that region still (1941) overwhelmingly favor the Democratic party. They feel gratitude for benefits received and expected. Before the New Deal most Southern Negroes were staunch Republicans.

¹¹³ The bill imposed a heavy fine on counties in which lynchings occurred and provided for distraint upon public property to satisfy the judgment.

¹¹⁴ *United States News*, May 11, 1936.

¹¹⁵ See Chapter XXI.

¹¹⁶ Myres, *op. cit.*, p. 35. In 1936 David Lawrence (*United States News*, November 16, 1936) drew attention to the huge subsidies that the South had received

something ludicrous in their accepting huge largesses and welcoming the expansion of national power that made these possible, only to denounce the antilynching bill as an outrageous breach of states' rights and thank God that, if the bill did pass, the Supreme Court would declare it unconstitutional.¹¹⁷ Had they not torn down the protecting walls of the Constitution with their own hands?

Danger of
schism

If the situation is largely of their own making, they do not, on that account, find it less embarrassing. Their partisan loyalty has been subjected to a severe strain. It may be that the tension will soon be relaxed and that, as Republican fortunes improve, the South and Border will be able to dictate Democratic policies in the House.¹¹⁸ Otherwise, momentous changes may occur.¹¹⁹ The Democratic party in the South may be rent by a schism. In the course of the prolonged filibuster against the antilynching bill, dire threats were made. Perhaps they deserve brief quotations. Senator Bailey of North Carolina: ¹²⁰ "The legislation predicates, and has already brought in the beginning of a disastrous division, and perhaps an internecine war, in the Democratic party. . . . The bill caters to the Negro vote." Senator E. D.

and to the fact that the national government had contributed in three years 93.2 per cent of the funds for direct relief in that region, as against 52 per cent for the ten New England and Middle States.

¹¹⁷ When Senator Ellender of Louisiana urged him, as a champion of states' rights, to fight the antilynching bill, Senator Tydings of Maryland replied: "If the Senator had held out for State rights when those other matters were under consideration, I could have at least said he was consistent and logical and had a belief in the great principle of State rights, but when he has abandoned that doctrine, how can he at the eleventh hour, after the whole picture is changed, appeal to me, as one who has tried to maintain State rights, to support his views? I do not want a State-rights principle that is applied when it is beneficial and is disregarded when it is injurious. If it is right, it is right all the way through, and if it is wrong it is wrong all the way through." *Congressional Record*, January 15, 1938, p. 802.

¹¹⁸ At present (1942) the Solid South has 93 representatives; the Border, 52, seven of whom are Republican.

¹¹⁹ In August, 1941, I corresponded with numerous party officials in the Solid South about the possibility of a Democratic schism. Undoubtedly there is great restiveness. Some believe that growing hostility to the New Deal will change the whole situation and open the way for a two-party system; and one Republican, whose judgment is entitled to respect, even sees the possibility of three states rejecting the Democratic ticket in 1944. But most believe that, notwithstanding ominous differences, the unity and dominance of the Democratic party face no immediate danger. In 1940 Charles S. Mangum expressed (*op. cit.*, p. 424) a similar view, as did W. A. Mabry (*op. cit.*, p. 81) for North Carolina.

¹²⁰ *Congressional Record*, January 12, 1938, p. 533.

Smith of South Carolina: ¹²¹ "The same purpose that characterizes every low degree of politics, the dregs of politics, the scum and slime of politics—'Get Votes! Get them if you have to disrupt the Constitution!' . . . I wonder if in the future my section of the country will feel the same determined loyalty toward this temporary element in our party, who are attempting to do this violence toward every sense of decency and fair play. . . . This horrible, inexcusable, dastardly thing is something that I never could have believed would come about. Should this bill pass and become a law, I do not know what would be the result on the sectional feeling which I had so happily observed to be passing. . . . The Democratic party is now refusing us recognition. Where shall we turn? Where does it leave us, the purest and most unadulterated Democrats in America?" Senator Harrison of Mississippi: ¹²² "Do you believe, my Democratic friends, that by your action you are strengthening the faith of the South in our party? Do you believe that its long and devoted love warrants any such treatment? Then, if you do, I say, 'Beware! Beware!'" Senator Miller of Arkansas: ¹²³ "If by the strength of the votes of the proponents of this measure this thing shall be thrust upon us and our local governments annihilated and our State governments destroyed, and there shall be injected into our communities the long hand of the Federal Government, the pride of the South, because they love their government, and because they love and revere the Constitution, will revolt; and I will not blame them."

NOTE ON *U.S. v. Classic* (61 Sup. Ct. 1031, 1941), already mentioned on p. 65. All seven judges agreed that Congress has power to regulate primaries in which candidates for the House are chosen, at least when, by state law, the primary has become an integral part of the machinery of elections; but a minority of three pointed out that federal control can be exerted only through action by Congress. Will the decision imperil the white primary? In letters to me, some party officials (mainly Republicans) answer affirmatively, with occasional qualifications as to differences in state laws and as to the time when the results will appear. Other officials (mainly Democrats) take the opposite view. Thus, Chairman Turnbull of the Democratic state committee of Florida, stressing the fact that Congress has refrained from interference, believes that the white primary will not be affected. In passing the Hatch Act Congress dropped every reference to primaries; and in *U.S. v. Malphurs*, now before the Supreme Court, a federal judge in Florida held that the Act did not prohibit pernicious activities in primaries.

¹²¹ *Congressional Record*, January 8, 1938, pp. 289 and 291.

¹²² *Ibid.*, January 10, 1938, p. 324.

¹²³ *Ibid.*, January 10, 1938, p. 332.

Chapter IV

WOMAN SUFFRAGE

Long agitation for woman suffrage

In the nineteenth century democracy was established on the basis of manhood suffrage; in the first decades of the twentieth, its basis was extended and a new meaning was read into the term "universal suffrage" by the enfranchisement of women in Europe, America, and Australia.¹ A long period of agitation preceded this change. In its earlier stages the American movement for woman suffrage exerted little influence, although those who labored in the cause were inclined to believe that they had made a deep impression on the public mind and had been cheated out of victory after the Civil War by the chicanery of politicians. The truth is that, before women could conquer political equality, they had to achieve social and economic freedom. The elective franchise has been conferred on classes that have risen in economic power and political consciousness;² and these things the secluded life of women would not easily develop.

Status of women in middle of nineteenth century

We sometimes forget how secluded that life was before the middle of the nineteenth century, how lacking in opportunities for independence and self-expression. The disabilities of the married woman under the common law had been little modified. She was completely under the dominion of her husband, her legal existence being so merged in his that she was said to be "dead to the law." Single women, while enjoying practically the same legal rights as men, found themselves severely circumscribed by custom. According to Harriet Martineau, only seven employments were open to

¹ Before the end of the nineteenth century woman suffrage had been established in four states of the American Union; in New Zealand (1893) and certain Australian colonies; and in Great Britain for local government elections only. Women now have full suffrage in the United States, in Europe outside of half a dozen countries, and in the self-governing dominions of the British Empire.

² The only notable exception is the American Negro. His political enfranchisement was, to say the least, premature and therefore, as distinguished from every other case (except for aliens and illiterates), temporary.

them in 1840.³ They were excluded from the professions of law and medicine.⁴ They had no access to higher education until Oberlin was founded in 1833 and Mt. Holyoke in 1837. The churches gravely insisted upon female inferiority. "Woman was made for man and became first in the transgression," said the clerical prosecutor in the trial of a Presbyterian minister.⁵ "My argument is that subordination is natural, the subordination of sex. Dr. See has admitted marital subordination, but that is not enough; there exists a created subordination; a divinely arranged and appointed subordination of woman as woman to man as man." This was in 1876. Four years later this passage occurs in a sermon: ⁶ "Wifehood is the crowning glory of woman. In it she is bound for all time. To her husband she owes the duty of unqualified obedience. There is no crime which a man can commit which justifies his wife in leaving him or applying for that monstrous thing, divorce. It is her duty to subject herself to him always, and no crime that he can commit can justify her lack of obedience. If he be a bad or wicked man, she may gently remonstrate with him, but refuse him never." The mass of women accepted this degrading status without much question; but in time active and enterprising spirits broke through the restraints imposed by custom and set in motion an organized revolt. The necessary impulse proceeded from two sources.

The agitation against slavery had enlisted the support of many women, as the agitation against the liquor traffic did somewhat later.⁷ This familiarized them with the methods of organization and propaganda, inspired them with crusading ardor, and directed their minds to new fields of speculation. "I had become interested in the anti-slavery and temperance questions," says Elizabeth Cady Stanton,⁸

Women
active in
anti-
slavery
and tem-
perance
movements

³ Teaching, needlework, keeping boarders, working in cotton mills and book binderies, type-setting, and domestic service. E. A. Hecker, *A Short History of Women's Rights* (2nd ed., 1910), p. 174.

⁴ The first woman to secure a diploma in medicine was Elizabeth Blackwell in 1848; the first to be admitted to the bar was Arabella Mansfield in 1864.

⁵ Before the Presbytery of Newark. Stanton and others, *History of Woman Suffrage* (6 vols., 1881-1922), Vol. I (1881), p. 780.

⁶ *Ibid.*, p. 782.

⁷ The National Anti-Slavery Society was founded in 1833. It merged with the men's society six years afterwards. In 1852 women formed a state temperance society in New York; similar bodies soon appeared in other states. But women did not become a really important factor until the founding of the Women's Christian Temperance Union in 1874. It enlisted, aroused, organized, and trained women as no other movement had done.

⁸ *Eighty Years and More* (1898), p. 59.

who became so prominent in the suffrage cause, "and was deeply impressed with the appeals and arguments. I felt a new inspiration in life and was enthused with new ideas of individual rights and the basic principles of government, for the anti-slavery platform was the best school the American people ever had in which to learn republican principles and ethics." Women soon discovered that the theories which were employed to justify the emancipation of Negroes applied equally well to the emancipation of women. "To me," says Mrs. Stanton,⁹ "there was no question so important as the emancipation of women from the dogmas of the past, political, religious, and social. It struck me as very remarkable that abolitionists, who felt so keenly the wrongs of the slave, should be so oblivious to the equal wrongs of their own mothers, wives, and sisters, when, according to the common law, both classes occupied a similar legal status." The women made abolitionist logic their own. They based their claims, not on expediency, but on abstract right.¹⁰ They did not plead for partial concessions; they demanded everything, all at once. Nor was this fanatical zeal their only unfortunate inheritance from the school of Wendell Phillips; for the enemies of abolition became the enemies of women's rights as well. So, too, the support that women gave to the cause of temperance and prohibition stirred up a bitter antagonism and seems seriously to have hampered them throughout their struggle for the suffrage.¹¹

The first
steps in
emanci-
pation

The equal rights movement may be said to begin with a local convention held at Seneca Falls, New York, in 1848.¹² There the women formulated a "Declaration of Sentiments," adhering closely to the

⁹ *Eighty Years and More*, p. 79.

¹⁰ Thus the president of the national equal rights convention in Philadelphia, 1854, said: "There is one argument which in my estimation is the argument of arguments, why woman should have her rights; not on account of expediency, not on account of policy . . . ; but we claim—I for one claim, and I presume all our friends claim—our right on the broad ground of human rights." Quoted in Porter, *A History of Suffrage*, (1918), p. 143.

¹¹ "Had there been no prohibition movement in the United States, the women would have been enfranchised two generations before they were. Had that movement not won its victory, they would have struggled on for another generation." C. C. Catt and N. R. Shuler, *Woman Suffrage and Politics* (1923), p. 279.

¹² Women were irritated by their treatment at antislavery meetings, where they were often not allowed to speak or vote. Particularly they resented the exclusion from the world's antislavery convention at London of eight women delegates from America. Hence the convention of 1848, devoted exclusively to the rights of women.

style of the Declaration of Independence and reciting, one after the other, their grievances against men, the just grounds of their rebellion. The document is interesting, aside from its cleverness, because it catalogues all the disabilities to which women were then subject.¹³ Pressure was steadily brought to bear on the New York legislature.

¹³ The text is given in Stanton and others, *History of Woman Suffrage*, Vol. I (1881), pp. 70-71. Omitting the introductory paragraphs, it runs:

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formation of which she had no voice.

He has withheld from her rights which are given to the most ignorant and degraded men—both natives and foreigners.

Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

He has made her, if married, in the eye of the law civilly dead.

He has taken from her all right in property, even to the wages she earns.

He has made her, morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master—the law giving him power to deprive her of her liberty, and to administer chastisement.

He has so framed the laws of divorce, as to what shall be the proper causes and, in case of separation, to whom the guardianship of the children shall be given, as to be wholly regardless of the happiness of women—the law in all cases going upon the false supposition of the supremacy of man, and giving all power into his hands.

After depriving her of all rights as a married woman, if single, and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow she receives but a scanty remuneration. He closes against her all the avenues of wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.

He allows her in church, as well as state, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the church.

He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which ex-

This led to the enactment in 1860 of a law which almost completely emancipated the married woman, giving her, among other things, the right to control her own property, to engage in civil contracts and business on her own account, and to be joint guardian of her children. The movement spread to other states; in Ohio, too, there was important reform legislation at this time. Meanwhile, under the leadership of Mrs. Elizabeth Cady Stanton, Lucretia Mott, and Susan B. Anthony,¹⁴ a national organization had been effected.

Public
opinion
unfavor-
able

The pioneers required great moral courage to face the ridicule and obloquy which the popular prejudice and their own extravagance raised against them. The newspapers abused them roundly. "While the feminine propagandists of women's rights confined themselves to the exhibition of short petticoats and long-legged boots, and to the holding of conventions and speech-making in concert rooms," said the *Albany Register*,¹⁵ "the people were disposed to be amused by them. . . . But the joke is becoming stale. People are getting cloyed with these performances. . . . The ludicrous is wearing away, and disgust is taking the place of pleasurable sensations, arising from the novelty of this new phase of hypocrisy and infidel fanaticism. People are beginning to inquire how far public sentiment should sanction or tolerate these unsexed women, who would step out from the true sphere of the mother, the wife, and the daughter, and taking upon themselves the duties and business of men, stalk into the public gaze, and, by engaging in the politics, the rough

clude women from society are not only tolerated, but deemed of little account in men.

He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and to her God.

He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.

Now, in view of this entire disfranchisement of one half the people of the country, their social and religious degradation—in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of the United States.

¹⁴ All three were identified with the abolitionist movement, but Miss Anthony drew her first inspiration from the activities of the Daughters of Temperance.

¹⁵ Quoted in E. C. Stanton, *op. cit.*, p. 190. See also in Hecker, *op. cit.*, a passage from *Harper's Magazine* (1853) which closes: "No kindred movement is so decidedly infidel, so rancorously and avowedly anti-biblical."

controversies and trafficking of the world, upheave existing institutions, and overrun all the social arrangements of life." Prejudice grew stronger as women began to affect mannish costumes and mannish ways,¹⁶ and as eccentrics attached themselves to the devoted ranks. Arguments could not prevail against it. "You have the argument," Secretary Seward told Mrs. Stanton,¹⁷ "but custom and prejudice are against you." And yet we are told by zealous partisans¹⁸ that before the Civil War came and hopelessly enmeshed woman suffrage in the politics of the Negro question "the goal was in sight. The race was all but run. Few of this generation, even among suffragists, realize how close to victory were the women of that earlier suffrage crisis."

The Civil War, while it interrupted the agitation, did much to allay the ill-feeling that had been provoked. The heroism of Clara Barton on the battlefield did not stand alone. Other women made great sacrifices. They offered themselves as nurses. They took the places of men in the stores, the factories, the fields. Dr. Elizabeth Blackwell organized the Sanitary Commission (forerunner of the Red Cross), which raised \$92,000,000 for the care of wounded soldiers, scraped lint, made bandages, and sent materials to the front.¹⁹ After the war came the amendments that freed the slaves, gave them citizenship and civil rights, and put the ballot in their hands. Great

Situation
after the
Civil War

¹⁶ Bloomers derive their name from Mrs. Amelia Bloomer, an editor and advocate of temperance and women's rights in Seneca Falls; but the originator, in 1852, was a Mrs. Miller, who wore them for seven years, even to fashionable parties. For a couple of years they were quite generally worn. People stared and made rude remarks: multitudes of small boys sang a popular ditty:

Heigh! ho! in rain and snow,
The bloomer now is all the go.
Twenty tailors take the stitches,
Twenty women wear the breeches.
Heigh! ho! in rain or snow,
The bloomer now is all the go.

Stanton, *op. cit.*, p. 202.

¹⁷ *Ibid.*, p. 199.

¹⁸ Catt and Shuler, *Woman Suffrage and Politics*, p. 30.

¹⁹ "Indeed we may safely say that there is scarcely a loyal woman in the North who did not do something in aid of the cause; who did not contribute time, labor, and money to the comfort of our soldiers and the success of our arms. The story of the War will never be fully written if the achievements of women are left untold. . . . There is no feature in our war more creditable to us as a nation, none from its positive newness so well worthy of recall." Stanton, *op. cit.*, p. 2.

efforts were made—by means of mass-meetings, conventions, and petitions—to impress Congress with the justice of women's claims; but the Fourteenth Amendment, in referring to the suffrage, used the terms "male inhabitants" and "male citizens," and the Senate by a vote of 37 to 9 (the first vote on woman suffrage in Congress) denied to women, while conceding to Negroes, the right to vote in the District of Columbia. Woman suffrage had as yet no considerable weight of public opinion behind it.²⁰ This was seen in 1867, when the question was for the first time seriously considered in a state constitutional convention and also for the first time submitted to the voters of a state. In Kansas, notwithstanding the fact that Eastern crusaders were there "to roll off woman's soul the mountains of sorrow and superstition that had held her in bondage,"²¹ the referendum was voted down. In New York, where the women were well organized and had the support of some eminent men, like George William Curtis, they could not prevail in the convention.²² Their movement was developing strength, however, passing beyond the reach of ridicule. The Republican party inserted in its platform of 1872 a very guarded and noncommittal plank—"splinter," the women called it.²³ In 1869 the first territorial legislature of Wyoming extended the vote to women.²⁴ This event came quite unheralded. "Of course," said the governor of the territory afterwards,²⁵ "the women were astounded! If a whole troop of angels had come down with flaming swords for their vindication, they would not have been much more astonished." The East showed little interest; the suffrage paper, *Revolution*, gave the matter only three lines in an incon-

²⁰ Catt and Shuler, *op. cit.*, p. 50, imply that the perfidy of politicians, their reluctance further to complicate the controversy over the Negro, alone prevented the women's victory.

²¹ *Ibid.*, p. 54.

²² The Michigan convention of 1867 also refused to submit a woman-suffrage amendment. Porter, *op. cit.*, p. 239.

²³ "The Republican party is mindful of its obligations to the loyal women of America for their noble devotion to the cause of freedom. Their admission to wider spheres of usefulness is viewed with satisfaction; and the honest demand of any class of citizens for additional rights should be treated with respectful attention." Somewhat similar language was employed in 1876. No further mention of the subject was made for forty years.

²⁴ A Mrs. Morris, lately arrived from the East, had the legislative candidates of both parties to dinner and pledged them all to support woman suffrage. In 1871 a repeal bill failed to pass over the veto of the governor. Catt and Shuler, *op. cit.*, pp. 75 *et seq.*

²⁵ *Ibid.*, p. 79.

spicuous corner. No one foresaw that woman suffrage would spread "like a smear of oil," as Barthélemy puts it,²⁶ into Idaho, Utah, and Colorado.

Suffragists now evolved the doctrine that the Fourteenth Amendment had conferred the suffrage upon all citizens of the United States. Certain congressmen and lawyers, even the attorney-general of Nebraska, had accepted this interpretation. In 1871 and 1872 a hundred and fifty women, scattered among seven states and the District of Columbia, sought to register and vote.²⁷ In Rochester, New York, Susan B. Anthony and a dozen others actually did vote, with the connivance of the Republican members of the board of inspectors. Under the enforcement act of 1870, Miss Anthony and the inspectors were convicted and fined in a federal court.²⁸ Mrs. Virginia L. Minor brought an action for damages against a Missouri official who refused to register her name, although she "was then and there entitled to all the privileges and immunities of citizenship, chief among which is the elective franchise." Her counsel put forward the ingenious argument that, since the Fifteenth Amendment did not confer the suffrage, but merely forbade the denial of a right already existing, therefore the right must be derived from the Fourteenth Amendment.²⁹ "While the negro votes to-day in Missouri," he said, "there is not a syllable of affirmative legislation by the state conferring the right upon him. Whence then does he derive it? There is but one reply. The Fourteenth Amendment conferred upon the negro race in this country citizenship of the United States, and the ballot followed as an incident of that condition. Or, to use the more forcible language of the court in the Slaughterhouse cases, 'the negro, having, by the Fourteenth Amendment, been declared a citizen of the United States, is thus made a voter in every State of the Union.' If this be true of the negro citizen of the United States, it is true equally of the woman citizen. . . . If the Fourteenth Amendment does not secure the ballot to women, neither does it to the negro; for it does not confer the ballot on any one." The federal Supreme Court held, however, that the suffrage is not a necessary incident to citizenship, that the Constitution "does not confer the right of suffrage upon any one," and that the consti-

Fourteenth
Amendment
invoked

²⁶ *Le Vote des femmes* (1920), p. 391.

²⁷ See Stanton and others, *History of Woman Suffrage*, Vol. II, pp. 586-755.

²⁸ *U.S. v. Anthony*, 2 Blatchford 200. President Grant pardoned the inspectors; Miss Anthony did not pay her fine, and the court did not commit her.

²⁹ Stanton and others, *op. cit.*, Vol. II, p. 728.

tutions and laws of the several states which commit that important trust to men alone are not necessarily void.³⁰

YEARS OF DISCOURAGEMENT

Slow
progress
before
1910

The period between 1870 and 1910 brought little comfort to the suffragist forces. There were forty lean years, forty years of the wilderness, before the progressive movement swept women along with it to victory in the states and at last to their final goal in the Nineteenth Amendment. During these years the women made some headway. They won the school suffrage in more than twenty states; the municipal suffrage in Kansas (1887); for property-owners the right to vote on some or all measures submitted to taxpayers in six states; and, far more important, full suffrage in Wyoming (1890) and in the three neighboring states of Colorado (1893), Idaho (1896), and Utah (1896).³¹ The suffragists had watched and prayed and worked without ceasing; they had been incessantly active, fighting campaigns in thirty-three states and territories, obtaining millions of signatures to petitions, bringing pressure to bear upon candidates and nominating conventions. Their resourcefulness, their ability to use systematic and effective methods of publicity, their education in the mysteries of practical politics developed steadily with the years. They were well organized. Elizabeth Cady Stanton (as president) and Susan B. Anthony led the National Woman Suffrage Association, founded in 1869; Lucy Stone led the American Woman Suffrage Society, founded in the same year. These organizations differed little in tactics, although the former emphasized the necessity of amending the federal constitution. They coalesced in 1890 and took the name of the National American Woman Suffrage Associa-

But
forces
well
organized

³⁰ *Minor v. Happersett*, 21 Wallace 162. In *Ex parte Yarbrough* (110 U.S. 651, 1884) the court said, however, that the Fifteenth Amendment "does substantially confer on the negro the right to vote."

³¹ Woman suffrage had existed in Wyoming from 1869 up to the time of its admission as a state in 1890; in Utah from 1870 to 1887, when Congress, as a means of discouraging polygamy, abolished it. The territorial governor of South Dakota vetoed a woman suffrage bill in 1885. Women voted in the territory of Washington from 1883 to 1887, when the federal Supreme Court declared the suffrage law invalid as not being properly described in the title. The local court threw out a second law (1889) on the ground that a territorial legislature had no power to enfranchise women; and no appeal was taken to the United States Supreme Court. Catt and Shuler, *op. cit.*, pp. 112-113.

tion. The leaders were supported with remarkable constancy. Mrs. Stanton, the first president, retired at the age of seventy-six. Her successors held office for long periods: Susan B. Anthony, 1891-1900, retiring at the age of eighty; Carrie Chapman Catt, 1900-1904, 1915-1920; and Anna Howard Shaw (who had been vice-president for thirteen years), 1904-1915. The official organ was the *Woman's Journal*, which was later (1917) transformed into the *Woman Citizen*, a thirty-two page weekly.³² Membership rose from 17,000 in 1904 to over 200,000 in 1914.³³ When final victory came in 1920, the N.A.W.S.A. was coördinating the work of auxiliary societies in forty-six states; these paid dues and sent delegates to the annual conventions. The New York headquarters, occupying two entire floors of a great office building, employed nearly a hundred women, half of them as field workers. Schism rent the suffragist ranks in 1913, the extremists drawing off to form the National Woman's Party and adopt the militant tactics which Emmeline Pankhurst had originated in England. There was also an Association Opposed to Suffrage for Women.

The progress that had been made before 1910 was more than offset by repeated disappointments. Seventeen times, in eleven states, the question of woman suffrage was submitted to the voters,³⁴ and rejected fifteen times. Only in Colorado and Idaho did the measure carry—unless Wyoming and Utah, where the people voted for woman suffrage as a part of their constitutions, be included. The organized strength of the suffragists lay in the East, where the movement had started, where the great leaders lived, and where women had become such an important factor in commercial and industrial employments. Yet east of the Mississippi—except in Michigan, New Hampshire, and Rhode Island—it was impossible even to persuade the legislatures to sanction a referendum. What was the reason for failure? Women who believed so firmly and who fought so fiercely in the cause could not conceive of honest conviction as the chief obstacle in their path. They saw only a conspiracy of politicians, a

Defeats in
eleven
states

³² *Revolution*, edited by Mrs. Stanton and Miss Anthony, had been shortlived (1868-1870). Lucy Stone founded the *Woman's Journal* in 1870, this being for twenty years the organ of the A.W.S.S.

³³ Anna Howard Shaw, *The Story of a Pioneer* (1915), p. 335.

³⁴ California in 1896, Colorado in 1877 and 1893, Idaho in 1896, Kansas in 1894, Michigan in 1874, Nebraska in 1882, New Hampshire in 1902, Oregon in 1884, 1900, 1906 and 1908, Rhode Island in 1887, South Dakota in 1890 and 1898, and Washington in 1889 and 1898.

conspiracy of the liquor interests.³⁵ Their success in Colorado and Idaho had been due to the rise of Populism in those states. Elsewhere the politicians and the corrupt machines which they controlled, fearing the effect of the female vote, barred the path. Suffragists, we are told,³⁶ arrived at these conclusions: that the rank and file of party voters accepted the tickets and platforms prepared by the leaders; that the leaders played the game of politics for power, patronage, and graft; that the real dictation of tickets and platforms came from the monied interest, whose gigantic contributions to party funds gave them control; and that here and there a statesman kept faith with the people. The most active enemy was the organized liquor interest. This was the "invisible and invincible power that for forty years kept suffragists waiting for the woman's hour. . . . When the vested interest in liquor arose to dictate terms to parties and politicians, it executed its strategic moves in secret. . . . The action of men, legislatures, and parties had the appearance of being the reflection of public opinion."³⁷ Suffragist writers present a mass of evidence to support this contention.³⁸

SUCCESSFUL STATE CAMPAIGNS

When in 1910 a new impulse began to carry woman suffrage forward, women had been fully enfranchised only in the four western states of Colorado, Idaho, Utah, and Wyoming. These states had less

³⁵ Catt and Shuler, pp. 123-124 and 129 *et seq.* On the other hand note this passage in Kirk H. Porter, *op. cit.*, p. 238: "It has not been crooked politics, the liquor interests, the corrupt element, nor yet ignorance and undemocratic selfishness that has kept women from the ballot. Logical argument has had surprisingly little to do with it on either side. It has been this unreasoning, deep-seated feeling, a sense of revulsion at the thought of woman in politics, out of her 'natural sphere,' that has held the women back."

³⁶ Catt and Shuler, p. 130.

³⁷ *Ibid.*, p. 132.

³⁸ Woman suffrage, it is said, was feared more than prohibition. Prohibition could be repealed, but not woman suffrage; and the women would cast their ballots against the liquor trade. "The liquor funds spent in the political campaigns of the country ranged from four to ten millions of dollars a year." Catt and Shuler, p. 141. The president of the National Retail Liquor Dealers Association said in 1912: "We need not fear the churches, the men are voting the old tickets; we need not fear the ministers, for the most part they follow the men of the churches; we need not fear the Y.M.C.A., for it does not do aggressive work; but, gentlemen, we need fear the Women's Christian Temperance Union and the ballot in the hands of women; therefore, gentlemen, fight woman suffrage." *Ibid.*, p. 154.

than 2 per cent of the population of the country. They cast about 3 per cent of the electoral vote. Five years later there was a solid block of eleven states, including all the Pacific states, all the Mountain states but New Mexico, and Kansas. This block represented 9 per cent of the electoral vote. The progressive movement, which looked to a cleansing of political life by a more thorough democratization of our institutions—by the direct election of senators, by the direct nomination of candidates, by direct legislation—had given momentum to all reforms. The winning of Washington in 1910 surprised suffragists themselves; there had been no elaborate campaign. Next year the N.A.W.S.A. lavished money and literature and speakers upon the struggle for California; and by a small majority the state was won. Arizona, Kansas, and Oregon were added in 1912; Montana and Nevada, in 1914.³⁹ The Illinois legislature in 1913 gave women the right to vote for presidential electors.⁴⁰ These great successes, though confined to the West, pointed to the ultimate conquest of the whole country. The resistance was still formidable. In the years 1912–1915 the people of twelve states rejected woman suffrage,⁴¹ and by large majorities in New York, New Jersey, Massachusetts, and Pennsylvania. But the suffragists were determined to penetrate the conservative East. They concentrated their resources in New York; and in 1917, when Tammany—either bowing to what it felt to be the inevitable or else convinced that the women's vote would on the whole strengthen its position—assumed a neutral attitude, they won the "Empire State."⁴²

A period
of con-
quest:
1910–1917

The suffrage campaign in New York really extended over eight years, culminating in the elections of 1915 and 1917. In October, 1909, a city convention, with more than eight hundred delegates representing all the assembly districts, launched the Woman Suffrage party. Each assembly district had its "leader," each election district its "captain." The assembly district leaders were supposed to meet their captains frequently and show them in minute detail how to make a survey of their districts. A school was established to familiarize suffrage workers with the new political methods. Meet-

New York
campaign

³⁹ Also the territory of Alaska in 1913.

⁴⁰ This could be done without amendment of the state constitution, for the federal constitution says (Art. II, Sec. 1): "Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors. . . ."

⁴¹ In 1912 Michigan, Ohio, and Wisconsin; in 1914 Missouri, Nebraska, Nevada, North Dakota, and Ohio; in 1915 the four states named in the text.

⁴² Tammany's benevolent neutrality did it, for "above the Bronx" (that is, outside the metropolis) the amendment failed to carry.

ings were held on street corners and in large halls. Suffrage speakers sought places on the programs of every church or club or business organization. Money was raised by means of bazaars, rummage sales, teas, plays, picnics, card parties, dances. In 1915 the Woman Suffrage party became coextensive with the state.

How it
was con-
ducted

"The city campaign was more intensive than in any other part of the state, as its political unit organization had been established longer and therefore worked more smoothly. There were barbers' days, days for firemen, street cleaners, bankers, business men, clergymen, street car men, factory workers, students, restaurant and railroad workers, ticket sellers and choppers, lawyers, ditch diggers, and longshoremen. No voter escaped. Each one of these days had its own literature and attractions and called forth columns of comment in the newspapers. Evening demonstrations took place daily and brought interested and thoughtful crowds. There was a bonfire on the highest hill in each Borough, with balloons flying, music, speeches, and tableaux illustrating women's progress from the primitive campfire to the council of state. Torchlight processions were formed upon twenty-eight evenings with Chinese lanterns, balloons, banners, and decorations in yellow, and ending in a street rally at some important point in the city. There were street dances on the lower East Side in honor of political leaders; there were Irish, Syrian, Italian, and Polish rallies; there were outdoor concerts, a series of small ones culminating in a big one given in Madison Square Park where a full orchestra played, opera singers sang and many distinguished orators spoke on a platform erected for the purpose. . . . Bottles containing suffrage messages were consigned to the waves from boats and wharves with appropriate speeches. Sandwich girls advertised meetings and sold papers. Sixty playhouses had suffrage nights, many with speeches between the acts. There were innumerable movie nights with speeches and suffrage slides; 'flying canvas wedges,' 'hikes,' and automobile tours. The entire state was stirred by these activities."⁴³

The situ-
ation
before
1920

The victory in New York was decisive. In January of the next year (1918), the House of Representatives passed the proposed woman suffrage amendment by the necessary two-thirds; in February the national committees of both parties decided to give it their support. The question of state suffrage dropped into the background. It is worth noting, however, that, before the federal amendment was at last adopted, fifteen states and the territory of Alaska

⁴³ Catt and Shuler, *op. cit.*, 288-289.

had given women full suffrage,⁴⁴ fourteen states had given them the presidential suffrage,⁴⁵ and two Southern states (Arkansas and Texas) had given them the right of taking part in the primaries.⁴⁶ More than fifteen million women could vote for presidential electors; almost half the number had the full suffrage.

WOMAN SUFFRAGE BY FEDERAL AMENDMENT

The Nineteenth Amendment to the constitution follows the phraseology of the Fifteenth: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex." Drawn by Susan B. Anthony and others, it was first introduced in the United States Senate in 1878 and afterwards reintroduced in every succeeding Congress until its final passage on June 4, 1919.⁴⁷ No adequate pressure was exerted on behalf of the amendment before 1910. Then the N.A.W.S.A. opened headquarters in Washington, appointed a "congressional committee," and began to establish contacts with senators and representatives. In December, 1912, Alice Paul took charge of this work, a young lady of attractive and dominating personality, whose impatience with conventional methods produced a series of shocks in the suffragist ranks. She had served with the militant suffragettes in England, had been three times imprisoned, and, resorting to a "hunger strike," had been subjected to "forcible feeding." She had learned from the Pankhursts that the gospel could be brought home to the masses, not by reasoned argument, but by the picturesque, the spectacular, the un-

Schism
in the
suffrage
movement

⁴⁴ Wyoming (1890), Colorado (1893), Idaho (1896), Utah (1896), Washington (1910), California (1911), Arizona (1912), Kansas (1912), Oregon (1912), Alaska (1913), Nevada (1914), Montana (1914), New York (1917), South Dakota (1918), Michigan (1918), and Oklahoma (1918).

⁴⁵ In 1913 Illinois; in 1917 Michigan, Nebraska, North Dakota, and Rhode Island; in 1919 Indiana, Iowa, Maine, Minnesota, Missouri, Ohio, Tennessee, Vermont, and Wisconsin. There was some question, however, about the legislative grant in Vermont.

⁴⁶ In 1918 some 386,000 women voted in the Texas primaries and 40,000 in the Arkansas primaries. Catt and Shuler, *op. cit.*, p. 328.

⁴⁷ Discouraged by failure in Congress, the N.A.W.S.A. approved in 1914 the so-called Shafroth amendment under which the question of woman suffrage would be submitted to a referendum on the petition of eight per cent of the voters of a state and adopted by a majority of those voting on the measure. This proposal was withdrawn just in time to prevent a split in the Association, many resenting the desertion of the Susan B. Anthony Amendment. Catt and Shuler, *op. cit.*, pp. 246-247.

expected; and the tactics she pursued during the next five or six years disgusted the sedate leaders of the older generation.⁴⁸ Almost immediately there was a rupture. Miss Paul organized a new body, known first as the Congressional Union, later as the National Woman's Party,⁴⁹ the whole strength of which was directed towards the passage of the federal amendment. There was vigor and vitality in the Woman's party from the first. Some women of wealth and social prominence joined it.

Militancy:
the English
prototype

Militancy assumed many forms, some of them very reminiscent of the Pankhurst methods. The famous, or infamous, activities of the English suffragettes covered a period of eight years, down to the opening of the World War.⁵⁰ Perhaps they did little to advance the cause

⁴⁸ "As for militancy in America," wrote Anna Howard Shaw, president of the N.A.W.S.A., "no generation that attempted it could win. No victory could come to us in any state where militant methods were tried. They are undignified, unworthy—in other words un-American." *The Story of a Pioneer* (1915), p. 315.

⁴⁹ Inez Haynes Irwin, *The Story of the Woman's Party* (1921), pp. 199-201. The party colors were purple, white, and gold; its organ was the weekly *Suffragist*. There was a breeziness in the columns of the *Suffragist* that gave it a considerable circulation. This is the way it describes the reasons for congressional opposition to the suffrage amendment (January 23, 1915):

"That woman suffrage cannot be supported because of man's respect, admiration, and reverence for womanhood.

"That five little colored girls marched in a suffrage parade in Columbus, Ohio.

"That women must be protected against themselves. They think they want to vote. As a matter of fact they do not want to vote, and man, being aware of this fact, is obliged to prevent them from getting the ballot that they do not want.

"That the ballot would degrade women.

"That no man would care to marry a suffragist.

"That women do not read newspapers in street cars.

"That women do not buy newspapers of Ikey Oppenstein, who keeps the stand on the corner.

"That no man would care to marry a female butcher.

"That woman suffrage is a matter for the states to determine.

"That Mrs. Harriet Stanton Blatch once marched in a procession in which she carried a banner inscribed, 'one million Socialists vote and work for Suffrage.'

"That Inez Milholland married a Belgian and once referred to a cabinet officer as a 'joke.'

"That women fail to take part in the 'duty of organized murder' and might therefore vote against war."

⁵⁰ They have been described vividly by Emmeline Pankhurst in *My Own*

of equal suffrage. But at least, when the cause seemed to be moribund, they served to fix popular attention upon it and drive cabinet ministers to the point of despair. There has never been another propaganda conducted with such resourcefulness and versatility. Mrs. Emmeline Pankhurst put on a show that was always colorful, never monotonous. It began innocently enough with the interruption of political meetings. When the practice was adopted of admitting no women without credentials, suffragettes entered the hall on the previous day and hid under the platform or in the organ loft; at Dundee Miss Isabel Kelly climbed the roof and, after waiting there seventeen hours, let herself through the skylight with the help of a rope. A finely gowned woman of distinguished appearance attended a reception which was given in honor of the new prime minister; taking firm hold of Mr. Asquith's hand, she delivered a homily on votes for women. Suffragettes chained themselves to the famous grille in the Ladies' Gallery of the House of Commons, using Yale locks, and harangued the members of the House until sections of the grille had been detached and carried away with the suffragettes still attached. Two attractive suffragettes, duly stamped and postmarked as special delivery letters, were taken to Mr. Asquith at 10 Downing Street by a small messenger boy, but sent back on the ground that they were "dead letters." Cabinet members, summoned as witnesses in the first trial of Mrs. Pankhurst, were made to look foolish by Christabel's skilful examination. At Covent Garden Opera House, during a gala performance of *Joan of Arc*, three women occupied a box (and locked the door); one of them took advantage of the first intermission to produce a megaphone and tell the King, who sat in another box, that English women were fighting for liberty as Joan of Arc had fought centuries before and that, like her, they were being tortured and done to death in the name of King and Church. Then, from the gallery, forty or more women deluged the heads below with votes-for-women pamphlets.

When suffragettes were sent to prison for more serious outrages, they refused food. The reply to the hunger-strike was forcible feeding and the Cat-and-Mouse Act.⁵¹ The suffragettes abandoned milder tactics and began a vigorous assault upon property. They sauntered

Its worst
features

Story (1914) and by her daughter Sylvia in *The Suffragette* (1912) and *The Suffragette Movement* (1931).

⁵¹ Under which prisoners, when in poor health (from hunger-striking), might be liberated on ticket-of-leave and incarcerated again upon recovery.

along Regent Street, for example, took bricks out of their hand-bags, and smashed the plate-glass windows of fashionable stores; policemen, rushing from one spot to another as crashes occurred, seldom found any one but innocent bystanders. Other glass was broken; rare orchid blooms perished at Kew Gardens through exposure. For the protection of valuable paintings many art galleries closed. Letter-boxes, when opened, burst into flames mysteriously; or else the postman found that corrosive chemicals had destroyed the letters. The words "votes for women" were burned into golf greens, and pins replaced by suffragette flags, even on the King's links at Balmoral. Many lives were endangered by the firing of the Theatre Royal in Dublin while Mr. Asquith was making a speech. The suffragettes set fire to numerous houses, to an ancient Scottish church, and to a large hotel. Nothing left such an impression as the tragedy at Epsom Downs. There, at the running of the Derby, Emily Wilding Davison broke through the barrier and flung herself in the path of the King's horse. Like many others, she was ready to die a martyr to the cause.

Militancy:
the Na-
tional
Woman's
party

Such were the tactics of the English suffragettes. How far did Alice Paul imitate them? Efforts were made to fix responsibility upon President Wilson as the leader of the Democratic party. There was a demonstration when he delivered his annual message to Congress on December 4, 1916. Just as he was recommending greater freedom for the people of Puerto Rico, a large banner was lowered from the gallery bearing the inscription, "Mr. President, what will you do for woman suffrage?" The "White House pickets," maintained intermittently for a year and a half, attracted much attention. The pickets suffered from the hostility of mobs, especially after America entered the war, some of them being roughly handled and their purple, white, and gold banners destroyed in great numbers. The police arrested the pickets for unlawful assembly or obstructing the traffic. When they refused to pay fines, the court sentenced them to jail or workhouse for terms varying from a few days to six or seven months. Imprisoned, they hunger-struck and were forcibly fed.⁵² These episodes gave advertisement to the suffrage cause. They may have had some effect upon President Wilson; a few weeks before he publicly

⁵² Alice Paul and Rose Winslow maintained a strike for three weeks before they were transferred to a hospital. Irwin, *op. cit.*, p. 285. The sufferings of those who were sent to Occoquan workhouse aroused much sympathy. Though some of the colored inmates were diseased, the drinking water stood in an open pail into which the cup was frequently dipped; blankets were washed once a year; there were worms in the soup and bread. *Ibid.*, pp. 262 *et seq.*

announced his support of the federal amendment a man close to the Administration visited Alice Paul in jail and gave her to understand that the President would secure its passage.⁵³ In the fall of 1918 militants picketed the Senate and particularly thirty-four senators who had voted against the amendment. Next year they lighted the "watchfires of freedom." "Perhaps at no time in the history of the world," writes an enthusiastic disciple of Alice Paul,⁵⁴ "has there ever been projected a demonstration so full of beautiful symbolism." The plan was to keep a fire burning on the roadway in front of the White House until the President should force Congress to pass the amendment. Whenever he made a plea for democracy in Europe, that speech was to be burned and a bell tolled at headquarters. Sympathizers sent wood from every state of the Union. Unfortunately the police put out the fire and arrested the stokers. It must not be supposed that the Woman's party confined itself to militant tactics. It conducted an intensive and businesslike lobby at the capitol; and it maintained an active organization and propaganda throughout the country, particularly in the states where women voted.

The object of the Woman's party may be described in the words of Alice Paul.⁵⁵ It was "to ask for a woman suffrage amendment from the party in power in Congress, and to hold them responsible for their answer to its request. This policy is entirely non-partisan, in that it handles all parties with perfect impartiality. If the Republicans were in power, we would regard them in their capacity as head of the government as responsible for the enfranchisement of women. . . . This policy simply recognizes the effect of our American system of government. Ours is a government by parties." And again:⁵⁶ "We propose going to the nine suffrage states and appealing to the women to use their votes to secure the franchise for the women of the rest of the country. All these years we have worked primarily in the states. Now the time has come, we believe, when we can really go into national politics and use the nearly four million votes that we have to win the vote for the rest of us. Now that we have four million voters, we need no longer continue to make our appeal simply to the men. . . . We want to attempt to organize the women's vote. Our plan is to go out to these nine states and there appeal to all women voters to withdraw their support from the Democrats nation-

Its strategy
described

⁵³ *Ibid.*, pp. 254-255.

⁵⁴ *Ibid.*, p. 391.

⁵⁵ *Ibid.*, p. 49.

⁵⁶ *Ibid.*, pp. 75-76.

ally until the Democratic party nationally ceases to block suffrage. . . . Every one of these states, with one exception, is a doubtful state. Going back over a period of fourteen years, each state, except Utah, has supported first one party and then the other. Here are nine states which politicians are thinking about and in these nine states we have this great power. If we ask those women in the nine suffrage states, as a group, to withhold their support from this party as a group which is opposing us, it will mean that votes will be turned. . . . When we have once effected the result in a national election, no party will trifle with suffrage any longer."

What it
achieved

The actual effects of this policy are difficult to measure. The claims put forward by the Woman's party (or Congressional Union, as it then was styled) after the elections of 1914 were rather vague. It is possible that the women's vote defeated three Democratic candidates for Congress and contributed to the defeat of three others. In the presidential election of 1916, President Wilson carried ten of the twelve equal suffrage states. It would therefore seem that the N.A.W.S.A. was justified in condemning the "party-in-power" policy. But the *Suffragist*, organ of the Woman's party, did not admit failure. "What we did try to do," it said,⁵⁷ "was to organize a protest vote by women against Mr. Wilson's attitude toward suffrage. This we did. Every Democrat who has campaigned in the West knows this. The Democratic campaign in the West soon consisted almost entirely of an attempt to combat the Woman's Party attack." Be that as it may, the policy irritated many Democrats who had supported the suffrage movement and it engendered ill-feeling between the two suffragist organizations.

Congress
proposes a
federal
amend-
ment

In spite of dissensions, however, the suffrage cause was steadily gaining ground. After long years of silence the party platforms of 1916 extended their support,⁵⁸ the Progressives contemplating action both by the nation and the states, the Republicans and Democrats only by the states.⁵⁹ This seemed to mark the opening of a new era. When New York, the most populous and the most wealthy state in the Union, enfranchised women, opposition in Congress began to subside. On January 10, 1918, the very day after President Wilson announced his conversion to the plan of federal action, the House

⁵⁷ Quoted in Irwin, *op. cit.*, p. 179.

⁵⁸ The Republican party had obscurely favored woman suffrage in 1872 and 1876. The Progressive party in 1912 had pledged itself unequivocally.

⁵⁹ The Republican candidate, Charles Evans Hughes, declared himself favorable to the proposed amendment.

passed the amendment by a two-thirds vote (274-136); but, although the President appeared before the senators and told them that "the measure which I urge upon you is vital to the winning of the war and to the energies alike of preparation and battle," he did not get a favorable response. It was not till the summer of 1919 that the amendment passed both houses and was submitted to the states.⁶⁰ Ratification by thirty-six of the forty-eight states was needed.

When the national party conventions assembled in June, 1920, thirty-five states had ratified. Both parties pronounced strongly for ratification. "We earnestly hope the Republican legislatures in the states which have not yet acted on the Suffrage Amendment will ratify the amendment," ran the Republican declaration. "We urge the Democratic governors and legislatures of Tennessee, North Carolina and Florida and such states as have not yet ratified the Federal Suffrage Amendment," said the Democratic platform, "to unite in an effort to complete the process of ratification." There were only two Republican states which had not ratified. The Democratic South viewed the amendment with apprehension.⁶¹ "In my opinion," said Senator Overman of North Carolina,⁶² "the woman suffrage amendment is a reaffirmation of the Fifteenth Amendment. I wonder if this is appreciated through the South. This latter amendment simply goes a step further than the Fifteenth Amendment. In addition to saying that the right of suffrage shall not be abridged by reason of race, color, or previous condition of servitude the new amendment adds the word 'sex.' The language is not identical, but it is evident that the woman suffrage resolution is a postscript to the former amendment, which we have always opposed in the South. . . . The illiterate colored woman, for instance, irrespective of her nonconception of the duties of citizenship, may vote and pair with the most intelligent woman of the Caucasian race. Congress reserves the right of 'appropriate legislation' to enforce this mandate, regardless of the state. That is the condition in a nutshell. I wonder if woman suffrage advocates in the South have taken into consideration all the embarrassing features possible under such legislation." There was danger to the South in opposition of this kind; for it might provoke the

The South
opposes
ratification

⁶⁰ It passed the House (304-89) on May 21; the Senate (66-30) on June 4.

⁶¹ Arkansas and Texas, having earlier allowed women to vote in the primaries, had ratified the amendment; also the border states of Kentucky, Missouri, Oklahoma, and West Virginia.

⁶² Catt and Shuler, *op. cit.*, p. 464. Note the similar attitude of a former governor of Louisiana, *ibid.*, p. 483.

The
amend-
ment
ratified

hostility of Northern women and lead to a really serious demand for the enforcement of the Fourteenth and Fifteenth Amendments. President Wilson sent urgent messages to the governors of all Southern states. Secretary Daniels, Attorney General Palmer, and the chairman of the Democratic national committee brought pressure to bear on party leaders. For the most part, this intervention was resented; but in August the legislature of Tennessee (the thirty-sixth state) ratified the amendment,⁶³ in September that of Connecticut. Throughout the Union, women voted in the fall of 1920.

RESULTS OF WOMAN SUFFRAGE

In the heat of the suffrage crusade extravagant claims were sometimes made. Armed with the ballot, women would not only free themselves from subordination to man, but they would rejuvenate politics, suffusing it with a lofty idealism and directing it to the noblest social ends. What have the women actually accomplished? Or, better, what way do the tendencies point after the brief experiment with equal suffrage?

Many
women
indifferent
at first

It is clear, at least, that women have not taken full advantage of their opportunities. Fifteen years ago their civic apathy was very marked. Figures for 1923 show that 71 per cent failed to register in New York City; ⁶⁴ 55 per cent, in Baltimore.⁶⁵ The enrolment for the 1924 primaries in New York City included 747,952 men and 357,064 women.⁶⁶ Next year the disparity between the sexes was almost as great: 817,949 men and 416,137 women.⁶⁷ For Illinois, the election returns of 1920, in which male and female votes were listed separately, show that women cast only 46.5 per cent of their poten-

⁶³ A legal question arose in Tennessee; where the constitution required a new legislature to be elected between the submission of an amendment by Congress and its ratification by the state. But in a somewhat similar case the federal Supreme Court had upheld the ratification of Amendment XVIII by the Ohio legislature although a referendum had been demanded under the provisions of the state constitution. See *Hawke v. Smith*, 253 U.S. 231 (1920). The court there held that the function of a state legislature in ratifying an amendment is a federal function derived, not from the people of the state, but from the federal constitution; and that the provisions of the Ohio constitution requiring a referendum were inconsistent with the provisions of the federal constitution.

⁶⁴ *Saturday Evening Post*, December 22, 1923, p. 4.

⁶⁵ Frank R. Kent, *The Great Game of Politics* (1923), p. 164.

⁶⁶ *New York Times*, January 8, 1924.

⁶⁷ *Ibid.*, October 22, 1925.

tial vote as against 74.1 per cent for the men. Commenting on an election three years later, in Chicago, Professors Merriam and Gosnell observe: ⁶⁸ "The first outstanding fact to notice is that nearly three-quarters of these non-registered adult citizens were women. Women were allowed to register for local elections in Chicago as early as 1913; and yet, ten years later, not half of the adult female citizens in the city had established voting habits." It has been estimated, though by a somewhat inconclusive statistical method, that in the national election of 1924 the percentages were 35.3 for the women and 67 for the men.⁶⁹ However, these figures take us back to a time when, in most parts of the country, equal suffrage was still novel and strange. Perhaps women were slow in adjusting themselves to their altered environment. A good many abstained deliberately, being quite opposed to the innovation. In another twenty years they might give a far better account of themselves.

What proportion of adult women vote to-day can be only a matter of rough estimate or conjecture. In the process of registering and voting, none of our states distinguishes between the sexes. Precinct workers unite in assigning a lower percentage to women than to men. With great industry Professor J. K. Pollock has compiled statistics for Ann Arbor, Michigan.⁷⁰ For a period of eight years (1924-32), during which twenty-four elections occurred, he compared the records of registration and voting. By this laborious procedure it was possible to segregate the two sexes. He found that of the potential electorate ⁷¹ 25.3 per cent of the women voted; and 33.5 per cent of the men. For certain foreign countries, where statistics are available, the difference between the percentages of participation for the two sexes appears in a recent Swedish study: ⁷² in Sweden, over a period of eleven years, the average difference was 12; in Norway, over a period of twenty-five, 13.4; in Denmark, according to fragmentary data, about 10; in Finland, over a period of twenty-four years, 6.9; in Australia—Commonwealth elections before the introduction of compulsory voting—10.7; and in New Zealand, over a period of thirty-one years, 3.7. Yet, lacking data for

Situation
to-day

⁶⁸ *Non-Voting: Causes and Methods of Control* (1924), p. ix.

⁶⁹ J. L. Keenleyside, "The American Political Revolution of 1924," *Current History*, Vol. XXI (1925), p. 838.

⁷⁰ *Voting Behavior* (Michigan Governmental Studies, 1939), pp. 19-24.

⁷¹ Of the potential electorate (adults, less an allowance of 3 per cent for those lacking the residential qualification) the women formed 54.8 per cent.

⁷² Herbert Tingsten, *Political Behavior* (1937), pp. 10, 14, 17, 22, and 33.

our own country, we are not at liberty to suppose that any such position has been approximated here. In all the foreign countries women made a creditable showing from the very start. For the first recorded year, the differences were only 14.8 in Sweden, 12.2 in Norway, 16.4 in Denmark, 8.5 in Finland, 13 in Australia, and 3.7 in New Zealand. Compare these with the early American figures, as given above. The women of Illinois had possessed the local and presidential ballot for some years when, in 1920, their percentage of participation was 27.6 below the men's. Foreign experience does not permit us to assume any miraculous growth of civic spirit in the course of twenty years.⁷³

Tendencies
observed
abroad

In his study of political behavior, Herbert Tingsten reaches some interesting conclusions.⁷⁴ Husband and wife tend to behave alike, both voting or both abstaining.⁷⁵ The disparity between the sexes, from the standpoint of participation, is much more pronounced in rural than in urban areas.⁷⁶ Swedish statistics, which for some purposes separate the different social classes, "make it clear that the voting frequency among the women increases with the social standard to a higher degree than among the men, that is to say the women of the lower social groups, above all the working classes, show relatively low electoral participation as compared to the men. A strong correlation being present between social position and conservatism, it follows as a matter of course that woman suffrage becomes an asset to the parties of the conservative wing."⁷⁷ German statistics are also enlightening. Under the republic, women avoided the extremes at Right and Left.⁷⁸ Their value to the bourgeois groups was evident. They backed the policy of moderation and compromise that characterized the Weimar régime, setting a limit to parliamentary action by nationalists and proletarians. Above all, they favored the Catholic parties, which, on that account, were able to make their

⁷³ For example, taking the first and last elections cited by Tingsten (*op. cit.*), and noting the difference in percentage of participants for men and women, we would say, on the basis of Finnish data, that the 27.6 per cent for Illinois in 1920 should now read 25; on the basis of Norwegian data, 25; Swedish, 20.

⁷⁴ *Political Behavior* (1937).

⁷⁵ *Ibid.*, p. 35.

⁷⁶ *Ibid.*, pp. 11 and 14.

⁷⁷ *Ibid.*, p. 36.

⁷⁸ "The communist party shows the strongest male preponderance." *Ibid.*, p. 45.

intermediate position one of predominance.⁷⁹ Apparently, "the 'democratic dictatorship' of Brüning was based on female votes." But it was men who organized the extra-parliamentary revolution. "It may therefore be said that the precarious position of the democratic régime in Germany, particularly after the success of the National Socialists and the Communists in the election of 1930, to a certain extent was camouflaged by woman suffrage."⁸⁰ Tingsten might have added a further observation. Ultimately the state rests on force; and the enfranchisement of women may invite physical resistance to parliamentary action that represents female, rather than male, aspirations.

It is often said that the two sexes cannot be distinguished in their attitude toward public issues. "With no facts to the contrary," says Dean Mildred Thompson,⁸¹ "there is no doubt that women vote much as men do. For an analysis of any one election or on any one issue, the voting may be expected to follow lines of economic interest, and social groups or geographical sections more than lines of sex difference." Bryce concluded that "women vote much as men do, following the lead of their husbands and brothers and party organizations" and that, with woman suffrage, "the general character of legislation remains much the same."⁸² This statement may require some qualification. At least for Sweden and republican Germany, Tingsten has indicated a female tendency to join the so-called bourgeois parties. He notes a further tendency to support prohibition.⁸³ The latter point suggests that women are peculiarly interested in social reform. Mrs. Carrie Chapman Catt gives them credit for welfare legislation in the United States. "That is something the women were always working for," she said in 1937; "but nothing came of

Women
and
welfare
legislation

⁷⁹ *Ibid.*, pp. 42 and 47. It may be observed that some French politicians of the Left oppose equal suffrage on the ground that women are more amenable to the advice of priests.

⁸⁰ *Ibid.*, p. 47.

⁸¹ "A Decade of Women's Suffrage," *Current History*, Vol. XXXIII (1930), p. 14.

⁸² *Modern Democracies* (2 vols., 1921), Vol. II, p. 48. Similarly Frank R. Kent (*The Great Game of Politics*, 1923, p. 169): "Even on the so-called moral issues the women have not voted one way and the men another. . . . It can be accepted as a political rule that nineteen times out of twenty the family votes as a unit."

⁸³ *Political Behavior* (1937), pp. 12 and 24. In Sweden (1922) 40.9 per cent of the male voters and 58.5 per cent of the female voters favored prohibition; in Finland (1931) the percentages were 23.8 and 33.3.

Experi-
ence in
Colorado

it until they got the vote.”⁸⁴ Thirty years ago, Miss Helen L. Sumner appraised the effects of equal suffrage in Colorado, where it had been established in 1893. She was disposed to think that women had had a beneficial influence in the direction of social reforms.⁸⁵ “It is safe to say that the most conspicuous effect of equal suffrage has been upon legislation, and, though it is impossible to prove beyond the possibility of a doubt that the woman’s club movement alone would not have brought about the passage of the same laws, it seems probable that the votes of women have effected the desired end with less effort and in less time than would have been required in non-suffrage states. . . . Although the Colorado laws for the protection of working women and children might be greatly strengthened, . . . it is fair to say that, in other respects, no state has a code of laws better adapted to its immediate need for the protection of women and children, and that the influence of the enfranchised women has distinctly strengthened the course of reform in this particular.” Being without statistics, we can only guess at the difference between the sexes in their attitude towards the child-labor amendment or repeal of prohibition or the New Deal. There is danger in backing social reform indiscriminately. Reform does not always bring improvement; change does not mean progress. But adroit politicians know how to capitalize sympathy among women for the forgotten man.

Women
have not
purified
politics

Many crusaders for equal suffrage asserted that it would at least improve the tone of political morality. “So we were told,” says Dean Mildred Thompson;⁸⁶ “so I persuaded myself and tried to make others believe in the days when we were speaking at bonfire meetings on the village square, at the street corner, or between reels at the movie theatre, before 1920.” After a decade of equal suffrage, “even the most optimistic interpreter of events cannot say that these hopes and prophecies have been fulfilled.” Little could be said in favor of the Nineteenth Amendment if it were judged by its effects on public life. “Can anyone point to a single boss who has been overthrown by women?” asks John Gordon Ross.⁸⁷ “They have the votes to do it any time that they like, but the call of the bridge table

⁸⁴ *New York Times*, August 29, 1937. What could she say of welfare legislation in Germany and Great Britain before the advent of equal suffrage?

⁸⁵ *Equal Suffrage: The Results of an Investigation in Colorado* (1909), pp. 211 and 212.

⁸⁶ “A Decade of Women’s Suffrage,” *Current History*, Vol. XXXIII (1930), p. 14.

⁸⁷ “Ladies in Politics,” *The Forum*, Vol. XCI (1936), p. 209.

seems to be stronger than the call of the precinct meeting." Frank Hague, boss of Jersey City, has tightened his grasp in the era of woman suffrage. What if the tax rate is higher, the streets dirty, the police force full of politics! Hague—who does not drink or smoke or use swear words—has given the women the "most moralest" city in America.

Political machines have managed to survive. This need occasion no surprise. As soon as women were enfranchised, every election district captain or precinct worker had to face an exigent problem. He must protect his leader from any untoward effects of this new and unmeasured menace, incidentally saving himself from the loss of prestige and (probably) of his place that would follow a defeat in the primaries. He did not know how women in general would vote, or how many women would vote, but he proceeded along the familiar lines that had served him so well in the past. He could depend upon the women of his own family; and these he registered first. Next he approached the job-holders and others who were under obligations to the machine, or dependent upon it for future favors, and impressed on them the vital importance of getting out the vote of their wives and sisters and daughters. These methods gave him a nucleus to build from. In view of the fact that women did not register and vote in the primaries as frequently as did men, and that, being unschooled in politics, they were more susceptible to guidance, the machine element among them was, during the earlier years at any rate, proportionately larger. Perhaps conditions have improved, and will continue to improve as women gain experience. Miss Sumner believed that the politics of Colorado had gained some benefits from fifteen years of equal suffrage.⁸⁸

Little
effect on
political
machines

In the heat of the campaign for its adoption equal suffrage was sometimes described as a remedy for all political ills. Grandiose hopes have brought disillusionment. Yet some worth-while things have been accomplished. Women have won political recognition; their grievance has been redressed. Enfranchisement, in the words of Dean

Some
effects
of equal
suffrage

⁸⁸ Miss Sumner found "little evidence" to support the assertion that equal suffrage "increases the facilities of the 'ward heeler,' instead of neutralizing his force as was expected" (*op. cit.*, p. 93). She says further (p. 92): "The influence of equal suffrage over the machinery of party politics, though apparently not great, has probably been beneficial. Women have been slack, even more than men, in the fulfillment of political duties other than voting. . . . Upon the whole party politics appears to be on a somewhat higher plane in Colorado since the women have voted."

Thompson,⁸⁹ "has given women greater self-respect, more confidence in trusting to their own honesty and worth. It may have removed the twin complexes of inferiority and superiority of the sex." Women now hold a large number of public offices, elective and appointive.⁹⁰ Of course, the number, while now large in comparison with what it was twenty years ago, is small in comparison with the number of offices held by men. But it is large enough, and the positions are sufficiently varied, to give the capacity of women for responsible public posts an adequate test. If equal suffrage has disappointed expectations, prophecies of evil have not been fulfilled. At the most, the ballot has lost its scarcity value now that every adult citizen outside of prisons, insane asylums, and the Solid South—whether man or woman, white or black, genius or moron—can have it for the asking; and consequently we hear, more and more often, a proposal to punish slackers for failure to register and vote. There is one other count against the enfranchisement of women, although superficial observers will dismiss it, without consideration, as altogether theoretical or imaginary. It has been mentioned already in connection with the German Republic. Readiness to acquiesce in the will of the majority may disappear if, in an issue of fundamental concern, men feel that

⁸⁹ *Op. cit.*, p. 17. Miss Sumner (*op. cit.*, p. 260) emphasizes the fact that participation in political activities had exerted a broadening influence upon the women of Colorado: "It has enlarged their interests, quickened their civic consciousness, and developed in many cases ability of a high order which has been of service to the city, the county, and the state. Closely allied to this wider and richer opportunity, and also distinctly visible as at least a tendency, is the development of the spirit of comradeship between the sexes."

⁹⁰ *Women in the Federal Service* (U.S. Civil Service Com., 1940), especially pp. 33-44; *Women in the Congress of the U.S.* (Public Affairs Information Service, 1940); *A Survey of Women in Public Service* (National League of Women Voters, 1937). Miss Harriet Root, Chief of the U.S. Information Service, has furnished me with a list of all women who have sat in Congress: five in the Senate, Miss Felton of Georgia being the first (one month, by appointment in 1922) and Mrs. Caraway of Arkansas the second (at first by appointment, then by election in 1932 and 1938), 24 in the House, Mrs. Rogers of Massachusetts and Miss Norton of New Jersey having served continuously since election to the 69th Congress. Eight women now (1942) sit in the House. Editorial research reports of the National League of Women Voters (December 6, 1940, and February 5, 1941) give full details regarding not only Congress, but also state legislatures (140 women in 29 states were elected in 1940). Four women are serving as secretary of state; some 50 as judge or magistrate. Two have served as governor (Texas and Wyoming). Frances Perkins has been Secretary of Labor since 1933. As to important posts in the federal service, see the *Congressional Directory*.

they are being dragooned by women. Superior force, which lies at the basis of every enduring government, will not allow its will to be flouted by superior numbers.

It would be a mistake to assume that the impulse given to women by the agitation for equal suffrage has not survived the victory of 1920. If the average woman displays little interest and less activity in politics, the more ardent spirits have continued to make their influence felt. Enfranchisement has opened to them attractive careers. They occupy public office (as already noted). They sit on party committees.⁹¹ They are acquiring most valuable experience as paid or voluntary workers in such organizations as the General Federation of Women's Clubs, the American Association of University Women, the National Woman's party,⁹² and the National League of Women

Women's
organized
groups

⁹¹ "The political partnership of one man and one woman from each State on the national committee, which has been hailed as a delightful fifty-fifty arrangement, has been losing ground. It seems that the national committeemen are not so keen about having a 'political wife' who is pressing him sufficiently to take him to task. The result has been that a goodly number of really important women who know their politics are being dropped." *New York Times*, June 16, 1932. The membership of the four great committees at the national convention of each party totals over 200. In 1940 the Democrats gave 17 places to women; the Republicans, 11. See pp. 397n., 405n., 557n.

⁹² In 1921, the National Woman's party adopted the following resolution (*New York Times*, Feb. 19, 1921): "Owing to the fact that women have not yet won full civic or economic equality, we recommend: 1. That the National Woman's Party, having accomplished the object for which it was organized, now disband. 2. That a new organization be created and its Executive Committee be empowered to dispose of all property of the National Woman's Party. 3. That the enfranchisement of women having been won in the United States, this new organization work for the equality of women and see that such equality be won and maintained in any association of nations that may be established. 4. That the immediate work of the new organization be the removal of the legal disabilities of women." At a meeting of the party in 1923 (*Times*, November 19) the president, Mrs. O. H. P. Belmont, said: "We demand that the principle of equality be written into the fundamental law of the land. We demand that an amendment be added to the United States constitution, giving equal rights to men and women in every place subject to its jurisdiction." The draft of such an amendment has been in the hands of the House judiciary committee since 1924. There is little prospect of its even getting a two-thirds vote in Congress, as organized women are preponderantly opposed to it. See *Equal Rights or Human Rights?* (1935), a pamphlet issued by the League of Women Voters. See also p. 106n. The National Woman's party expounds its doctrine in a bimonthly magazine, *Equal Rights*. It has been backed by some women of wealth; among them the late Mrs. Oliver Belmont, who presented as headquarters in Washington a building opposite the Capitol, which Congress occupied from 1815 to 1819. According to a recent pamphlet,

National
League
of Women
Voters

Voters. The League of Women Voters, appearing in 1918 as an auxiliary of the National American Woman Suffrage Association, became an independent body after the adoption of the Nineteenth Amendment. Four years later, it had established itself in three-fourths of the congressional districts, while in half of the states the local branches were functioning through a paid staff and reaching their members through monthly bulletins, which gave a systematized and nonpartisan review of political questions.⁹³ By 1941 membership had risen to 590 locals in thirty-two affiliated leagues.⁹⁴ A state league must have at least three locals and over one hundred members. The Illinois League has more than 6,000 members; that of Connecticut has almost 5,000. Membership exceeds 1,500 in twelve states.

Its main
activities

"Those who remember well the League's beginning eighteen years ago," says Marguerite M. Wells, its president in 1938,⁹⁵ "can relate how at first its purpose appeared to be informing new voters of the techniques of voting, teaching them about principles and structures of government, and catching up on certain social legislation long neglected because of the exclusion of women from the electorate. The idea that the League of Women Voters existed for the purpose of improving the electorate itself by promoting more intelligent participation in politics came a little later and was acted upon forthwith. . . . The League began to recognize that American people needed to be made acquainted with political affairs, to learn their dependence on them and how to deal with them effectively." It proceeds with this task mainly through study groups, concentrating on vital subjects each year, and the publication of pamphlet literature. Since May, 1941, it has been concerned mainly with the program of national defence, the biweekly "Battle of Production Flashes" reporting real progress. The current list of publications includes more than

the party "has but one plank in its platform—Equal Rights, and as an organization, takes no action on any other question. It is dedicated to the task of removing all present discriminations against women under the law, of preventing further discriminations from being written into State, National, and International Law, and of gaining for women equal pay for equal work and equality of opportunity with men in industry, business, the professions, education, and politics."

⁹³ See the League pamphlet, *A Record of Four Years* (1924).

⁹⁴ *Achievements in Increasing Citizen Participation in Government* (1938). The national headquarters, with a staff of 19, spent \$57,720 in the fiscal year 1937-1938; the state leagues, approximately \$200,000.

⁹⁵ *A Portrait of the League of Women Voters at the Age of Eighteen* (1938), pp. 6-7.

150 pamphlets, ranging from one page to 144 pages in size and from three to fifty cents in price. Some 60,000 copies are sold during the year. The activity of the League has had no effect upon the great masses of apathetic women,⁹⁶ but it enlists the attention of the more thoughtful and gives them a means of expressing themselves politically; and, quite apart from the attainment of the objects that it has in view, it involves the training of a small army of workers whose interest is permanently aroused and whose influence must bear fruit in the future.

Several other organized groups of women deserve mention here. (1) The General Federation of Women's Clubs, founded in 1890, includes 14,500 local clubs, with more than two million members; and fifty state and district federations. The considerable size of its annual income may be gathered from the fact that each member of a club pays ten cents a year; each federated club, twenty-five cents. At the Washington headquarters a full-time president (now Mrs. Sadie Orr Dunbar) directs a staff of eighteen. Aside from numerous pamphlets, the Federation publishes a monthly magazine, *The Clubwoman GFWC*. Activities have extended to such matters as public health, conservation of national resources, civil-service reform, educational reform, prevention of crime, reduction of armaments, control of syphilis and of the sale of narcotics, beautification of homes, marriage and divorce. (2) The National Council of Women celebrated its fiftieth anniversary in 1938. With headquarters in New York City, it serves as a bureau of information and service for various national, state, and local organizations, which have an estimated membership of three millions. It laid before affiliated clubs, as subjects of study in 1938-1939, maternal welfare and the control of syphilis and cancer. (3) The American Association of University Women, founded in 1882, has (1941) 907 branches and over 71,000 members, who pay dues of two dollars a year. It maintains headquarters and a clubhouse in Washington, publishes a quarterly *Jour-*

⁹⁶ In all organized bodies there is much lost motion, much wasted effort, a failure to organize the rank and file and to make their membership more than nominal. But within its range of interest the League has been instrumental, to some degree, in securing laws for the benefit of women and children. How far it has awakened the civil conscience of individuals can hardly be shown by statistics of measurement and evaluation. The League publishes monthly a small *Member's Magazine*, the subscription costing fifty cents a year; and a semimonthly *News Letter* (one dollar a year). Some of the daily *Editorial Research Reports* (mimeographed) have great value. Reference has already been made to the "Battle of Production Campaign Flashes."

nal, has a permanent staff of twenty-nine persons, and concerns itself primarily with the improvement of education. It does not impose a fixed program of educational work upon the branches, but, laying down only the general lines, allows free play to local requirements. It devotes an eighth of its income to the establishment of graduate fellowships and has raised the greater part of a million-dollar endowment for the same purpose. Its legislative program for 1941-1943 embraces such matters as adequate maintenance of federal bureaus in which women have a special interest and recognition of the fact that the United States has a common cause with nations resisting totalitarian aggression. This contrasts strangely with earlier support of strict neutrality and reduction of armaments. (4) The National Federation of Business and Professional Women's Clubs, founded in 1919, has a membership of 75,698 in 1,699 clubs (1941) and an income of \$157,000. It publishes a monthly magazine, *Independent Woman*, and many pamphlets and "program kits," ranging in price from three cents to \$3.50. It maintains a staff of some thirty persons at its headquarters in New York City. The Federation seeks to raise the standards of women in business, extend opportunities of vocational education, and vitalize the processes of democracy. It promotes legislation on various subjects that affect the interest of its members.⁹⁷

⁹⁷ Eighteen women's organizations, including the League of Women Voters and the Association of University Women, have combined forces in the Women's Joint Congressional Committee for legislative purposes. Through this agency they have opposed the dismissal of married women from the civil service and the "equal-rights" amendment of the National Woman's party, and promoted measures dealing with such various matters as revision of the Food and Drugs Act, extension of the civil-service merit system, unemployment insurance, and an arms embargo. Seven states prohibit the employment of married women in the civil service, at any rate when their husbands are so employed. As to the proposed equal-rights amendment, which is supported by the National Federation of Business and Professional Women's Clubs, as well as the Woman's party, the Republican platform of 1940 included this plank: "We favor submission by Congress to the States of an amendment to the Constitution providing for equal rights for men and women." The Democrats refused to take such action, partly because the National Women's Trade Union League and the National Consumers League opposed it.

Chapter V

PUBLIC OPINION

Authoritative government, an essential characteristic of the state, came into existence with the growth of property—capital, surplus goods.¹ Government provides the force that maintains order, keeping property safe from domestic and foreign attack. The fact that government, always and everywhere, rests upon force is often disguised and forgotten. Over long periods consensus prevails. The great mass of the people acquiesce, giving active, or at least passive, obedience to authority, without any inclination to resist it. "When neither their property nor honor is touched," says Machiavelli, "the majority of men live content."² We scarcely think of force in connection with the restraint to which lawbreakers are subjected. We scarcely realize how soon chaos would supervene, if there were no police or sheriffs, and no army to back them up at last resort. It requires some dramatic event, like the Whiskey Rebellion of 1794 or the Pullman strike a century later, to make clear the function of force. Our Civil War may serve as another illustration.

Depend-
ence of
govern-
ment on
force

Nevertheless, necessary as it is in the preservation of order, force is not otherwise very effective in shaping popular conduct. Aside from indifferent matters, it cannot make the law to which it requires obedience. Any law that an autocrat professes to make must respect the traditions and customs of the people. It was in vain that Peter the Great ordered Russian peasants to cut off their beards. Of Runjeet Singh, absolute despot of the Punjab, Sir Henry Maine observed: ³ "He could have commanded anything; the smallest disobedience to his commands would have been followed by death or mutilation, and this was perfectly well known to the majority of his subjects. . . . But he never made a law. The rules which regulated the life of his subjects were derived from their immemorial usages." The truth is that the conduct of the masses is determined, more or less mechanically, by their reactions to environment. Habitual modes of behavior

Force
limited
by
custom

¹ E. M. Sait, *Political Institutions: a Preface* (1938), Chapters V–VII.

² *The Prince*, Chapter XIX.

³ *Early History of Institutions* (ed. of 1890), p. 381.

are formed slowly and subconsciously under a compulsion that is too strong for fear of punishment to neutralize. The despot finds himself limited by custom. He can enforce no command that seriously conflicts with it. In this negative sense, public opinion may be said to control even the most despotic régimes.

Public
opinion:
Do elec-
tions
reveal it?

In a democracy like our own, public opinion has more than a negative influence. It is supposed to be a positive and propelling factor in government. The electorate, which has been described in the preceding chapters, impresses its will upon government in various ways. The most striking, and perhaps the most adequate, manifestation occurs in elections. Whether the verdict is given upon measures or upon men, the voters express thereby what is commonly termed public opinion. Of course, the results of an election, as an index to public opinion, may not always be conclusive. Often enough the issues are numerous and confusing. The voter, who seems to have endorsed a number of proposals, may have been attracted only by one, or else he may have supported the candidate for President or governor on quite other grounds. Perhaps, because of the difficulty of the task, the voter expressed no real opinion; having been asked to do the impossible—to choose good men for many offices or to pass upon the merits of highly complicated measures—he marked his ballot without discrimination. Or again, what interpretation is to be placed upon the success of a particular candidate? It may be due to his personal popularity, or to the popularity of the policies which he, as a party man, represents, or to considerations which bind men to party in spite of objectionable candidates and objectionable policies. Corruption may have determined the result, or the indifference or abstention of a large part of the qualified voters. We must be somewhat cautious in using the statistics of elections as a key to public opinion.

Should
its quality
be con-
sidered?

Some psychologists deny that the mere counting of heads, even when a clear verdict is obtained, can reveal the true opinion of the community. Importance must be attached, they say, to the intensity of belief and to the extent of the knowledge that supports it: opinion must be weighed as well as counted. Such is the contention of President A. Lawrence Lowell.⁴ If physicians, and educated men generally, believe that impure water causes typhoid fever, he argues, and if the rest of the people do not, "it can hardly be said that public opinion is opposed to that notion." Any argument put forward by President Lowell deserves consideration. It will soon appear, however, when a correct meaning has been attached to the term "public,"

⁴ *Public Opinion and Popular Government* (1913), pp. 13-14.

that the physicians constitute only a small part of the public and that they express only the opinion of their own group. The public includes the physicians, but also those who, through ignorance, disagree with them; and, no matter how obscurantist, the view that prevails numerically is public opinion. Nevertheless, intensity of belief and knowledge are important factors in the spread of opinion. As a matter of fact, the decision of the majority at the polls, coming as it does after a prolonged campaign or debate between opposing sides, must indicate not simply volume, but also the weight of opinion. The few have had opportunity to impress their reasoned and deliberate views upon the many.

The activity of public opinion, then, is not confined to its periodic expression through the ballot. It is as restless as the sea. Newspapers, individuals, private associations, political parties are constantly pre-occupied with it, seeking to interpret it, trying to manipulate or manufacture it, to deflect its course now in this direction, now in that, and to bring its force to bear upon the government. Amid the confusion, even seasoned politicians, oppressed by the insistence of clamorous minorities, may sometimes be unable to distinguish the actual trend. They take refuge in the statistics of successive elections, subjecting these to elaborate analysis and drawing inferences of some value. By one method or another the dangerous reefs and shoals are charted, and by dead reckoning the course is laid for a prosperous voyage. If politicians do not venerate public opinion, they fear it; and, even though contemplating corrupt and anti-social ends, they must act discreetly in its presence and make at least a show of subservience to its more violent moods. Indeed, the weakness of politicians nowadays lies, not so much in any disposition to flout the will of the electorate, as in the readiness with which they yield to pressure, however capricious and fleeting the popular mood may be. We have travelled far from the theory of representation which Edmund Burke expressed to his constituents in Bristol. "His unbiassed opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you; to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." Burke's theory, which did not suit the voters of Bristol then, would hardly commend a candidate now. Public opinion is intolerant of opposition; and its tyranny,

Its continuous activity

while so often and so harshly condemned, may find some justification in the dangers that confront democracy. The people must rule. Working on that principle, it will obviously be difficult to decide upon the amount of discretion and independence that may safely be lodged with public servants.

Its character in America

Public opinion—more often fragmentary manifestations of it, expressed through organized interest-groups—plays a very active rôle in the United States. This condition the framers of the Constitution tried to escape by erecting barriers in the form of checks and balances. "While it was intended to establish a Republic," says Frank Exline, "every possible precaution and safeguard, consistent with that intention, was taken to minimize the influence of public opinion and sentiment upon the several functionaries of the government. . . . The avowed and often repeated reasons for these precautions were, that public sentiment and opinion always are unstable and unsafe, always irresponsible, often irrational, and usually are incited and created by irresponsible agitators, sometimes with sinister motives, who can easily mislead the public by specious and plausible arguments; and that the true interest of society demands the exercise of the highest wisdom and unbiased judgment of the responsible functionaries of government, uninfluenced by considerations of popularity." But, contrary to expectation, the checks and balances served to stimulate rather than repress public opinion. The obstacles thus interposed put a heavier task upon the people and, since they were resolved to control the government, drew from them a more determined effort. The perfection and efficiency of party organizations are sometimes attributed to this cause. Viscount Bryce, in his last observations on American democracy, expressed the belief that political opinion is "on the whole more alert, more vigilant, and more generally active through every class and section of the nation than in any other great state" and that nowhere except in Switzerland "is a sane, shrewd, tolerant type of opinion so widely diffused among the population. . . . What is peculiar to America and what makes its political strength, is the practical good sense and discriminating insight of the native citizens taken in the bulk, qualities which appear not so much in their judgment of ideas and proposals . . . as in their judgment of men. Nowhere does there exist so large a percentage who have an opinion, and can say why they have an opinion, regarding the merits of a question or of a politician." ⁵ Public opinion, in view of its activity and its effectiveness in America, must take an

⁵ *Modern Democracies* (2 vols., 1921), Vol. II, pp. 112, 116, and 120.

important place in any consideration of party; for party is at once the instrument of that opinion and, in some degree, its creator. Before proceeding farther it will be well to examine the nature of public opinion.

PUBLIC OPINION DEFINED

The term "public opinion" has been much discussed in recent years. It has been subjected to a pseudo-scientific analysis that has often introduced confusion rather than enlightenment. There should be no question about what we mean by calling opinion "public"; we mean, in the light of long-established usage, the opinion of the people, the opinion of the community. Such has been the primary meaning of "public," according to the *Oxford English Dictionary*, for at least 425 years.⁶ The community may be a village, a province, a state, a continent, or even the whole world—public opinion in Chicago, public opinion in the Western Hemisphere. But some sociologists and psychologists, without the support of any previous authority, have tried to substitute a meaning of their own. "As we see it," says Professor Kimball Young,⁷ "the term public refers not to one great mass of persons living in a community, a state, or a nation, but rather to various groups of secondary contact. . . . We use it to indicate various interest groups, especially those marked by the secondary group characteristics. Therefore we shall speak of publics rather than a public. . . . It is sometimes thought that public opinion refers only to the final general consensus of an entire group. This, however, is rather the end-product."

What
"public"
means

In a certain sense, no doubt, public opinion may be regarded as an end-product. But why, in order to indicate some possible preliminary stages, does Professor Young borrow the word "public"—instead of coining a word—and give it a novel signification. Such an arbitrary distortion of the language may well seem indefensible. "Public" does not, and never did, mean "interest-group." The opinion of an interest-group, whose members are scattered over the community, is merely "group" opinion—medical opinion, church opinion, labor opinion. Psychologists would not be open to censure

What it
does not
mean

⁶ The primary meaning of "public," as given in the *Oxford English Dictionary*, is: "Of or pertaining to the people as a whole; that belongs to, affects, or concerns the community or nation; national, popular." The first citation is dated 1513. The dictionary goes on to define "public opinion" as "the opinion of the mass of the community."

⁷ *Social Psychology* (1930), pp. 570 and 578.

if they invented a word of their own or if they used the word "public" metaphorically, just as we speak of "the republic of letters" or "the king of sports" without doing violence to established usage. But they are not indulging in metaphor at all; they are defying usage by an innovation which is all the more objectionable because it plays havoc with a political term of ripe age and capital importance. Happily, individual caprice of this sort rarely leaves any scars on the language after the momentary fad has been forgotten.

Opinion
normally
divided

What can Professor Young mean by a "final consensus"? He implies that, after a period of conflict between interest-groups, agreement is reached; and he says that, according to one view, public opinion refers only to that final accord. It would be interesting to know where such a view has ever been expressed. The opinion of the community is rarely, if ever, unanimous about anything. Although it may approach unanimity at the time of an emotional crisis, such as a foreign war, it is normally much divided. According to a settled practice, a fundamental and necessary convention of democracy, the major part is taken as the equivalent of the whole.⁸ John Locke explains this device: ⁹ "It is necessary that the body move that way whither the greater force carries it, or else it is impossible it should act or continue one body." Sir George Cornewall Lewis justifies it in this way: ¹⁰ "Decision by a majority places all the members of the body upon the same footing, and gives an equal value to the opinion of each. It makes no distinction between them as to competency, but allows the same weight to the vote of the persons most able and of those least able to form a correct judgment upon the question to be decided. It therefore proceeds upon a principle directly opposed to the principle adopted voluntarily by those who are not restrained by legal rules—in guiding their practical conduct by the opinions of others, *they* look not to numbers, but to special fitness. The necessity, however, of having recourse to this principle arises from the nature of political government, and the expediency of a coercive supreme power which it implies. Whenever the ultimate decision is vested in a body, there is, by the supposition, no ulterior

⁸ "When dealing with political questions," says President Lowell (*Public Opinion in War and Peace*, 1923, p. 83), "we may for practical purposes treat the opinion of the majority as public opinion."

⁹ *Second Treatise*, Chapter VIII, section 96.

¹⁰ *Influence of Authority in Matters of Opinion* (2nd ed., 1875), p. 145. See also his further discussion, p. 170.

authority which can, in case of difference of opinion, determine who are competent judges and who are not. There is, therefore, no other alternative than to count the numbers, and to abide by the opinion of the majority. The contrivance may be rude, but it is the least bad which can be devised."

The success of this somewhat arbitrary and mechanical method of deciding controversies depends upon a further consideration. The minority must recognize the validity of the decision, and do so, not because they fear the consequences, but because they accept the principle that the will of the majority ought to prevail.¹¹ "The minority gives way," says Sir James Fitzjames Stephen,¹² "not because it is convinced that it is wrong, but because it is convinced that it is a minority." In supporting this principle, Rousseau resorted to a singular argument.¹³ "When a law is proposed in the assembly of the people," he wrote, "what is asked of them is not exactly whether they approve the proposition or reject it, but whether it is conformable or not to the general will, which is their own; each one in giving his vote expresses his opinion thereupon; and from the counting of the votes is obtained the declaration of the general will. When, therefore, the opinion opposed to my own prevails, that simply shows that I was mistaken, and that what I considered to be the general will was not so. Had my private opinion prevailed, I should have done something other than I wished; and in that case I should not have been free."

Conditions
essential
in a de-
mocracy

When the minority withhold their consent, or give it grudgingly or unwillingly, President Lowell tells us,¹⁴ the prevailing opinion cannot be described as public. Nor can acquiescence be expected unless the law permits full and free discussion of political issues, without censorship of the press, without restraint upon legitimate propaganda, and without impairment of the right of assembly or of organized agitation. The minority must feel that they have had an unrestricted opportunity to present their case and that they may in the end, by converting opponents, themselves become the majority. It would seem that President Lowell is considering here not the essential attributes of public opinion, but the conditions that make the working of popular government possible. Without such conditions

If con-
sensus
is to
survive

¹¹ Lowell, *Public Opinion and Popular Government*, Chapters I and III.

¹² *Liberty, Equality, Fraternity* (2nd ed., 1874), p. 31.

¹³ *Social Contract*, IV, 2.

¹⁴ *Public Opinion and Popular Government*, pp. 28-42.

there still would be a public opinion, even though sharp divergence made coöperation impossible. Public opinion exists in the most despotie monarchies.

The
minority
must feel
safe

The indispensable conditions of majority rule in a democracy are: on the part of the victors, forbearance, moderation, generosity; and, on the part of the vanquished, willing submission to the consequences of electoral defeat. Without the spontaneous and ungrudging acceptance of these principles, consensus would disappear, and the democratic régime would fall to pieces. How could government be carried on, if at every turn some minority expressed disapproval by refusing to obey the law? How could the minority be expected to acquiesce, if the majority began to tamper with their cherished rights? The only certain protection against invasion of what the minority may regard as natural and primordial rights is provided by a sense of justice, a calmness of temper, a disposition to compromise, a settled tradition of self-government among the people, and a recognition that the majority of to-day may be the minority of to-morrow. These lacking, recourse may be had to artificial safeguards—to checks and balances of various kinds and to the requirement, for certain purposes, of an overwhelming preponderance of affirmative opinion.¹⁵

Artificial
safeguards

Rousseau recognized the need for safeguards. "The difference of a single vote destroys unanimity," he observes,¹⁶ "but between unanimity and equality there are many unequal divisions, at each of which the number can be fixed according to the condition and requirements of the body politic. Two general principles may serve to regulate these proportions: the one, that *the more important and weighty the resolutions, the more should the opinion which prevails approach unanimity*; the other, that the greater the dispatch requisite in the matter under discussion, the more should we restrict the prescribed difference in the division of opinion." Thus, in America the federal and state constitutions place civil liberty beyond the immediate reach of the legislature, interposing, by the method of constitutional amendment, a considerable delay and the need of abnormal majorities. Even so, the Fifteenth Amendment was saddled on the South more or less by military compulsion and, like the suffrage clause of the Fourteenth Amendment, has sunk into desuetude because it lacked the sanction of a true public opinion. After little

¹⁵ For a lucid discussion of this point, with concrete illustrations of ancient and modern practice, see Bryce, *Modern Democracies* (2 vols., 1921), Vol. II, pp. 390-397.

¹⁶ *Social Contract*, IV, 2. My italics.

more than a decade, the unenforceable Eighteenth Amendment was repealed with something like enthusiasm. Yet it had been proposed by a two-thirds vote in both houses of Congress and ratified by bicameral legislatures in all of the states except two.¹⁷ Apparently safeguards of this kind cannot effectively restrain a volatile electorate.

A meaning must now be attached to the word "opinion." The definition given by the *Oxford English Dictionary* may be accepted with some confidence as reflecting good usage: "Such judgement or belief on the part of a number, or the majority, of persons; what is generally thought about something."¹⁸ The term has, then, a rather loose and comprehensive import, which hampers the application of the scientific method. How can the social "sciences" be brought abreast of the natural sciences unless their terminology is first divested of its characteristic vagueness? Attempts have been made, but without much success, to give an artificial precision to words that have been used for centuries and have acquired a popular connotation. A few impatient souls arrogate to themselves the authority of legislators. This venturesome proceeding has been illustrated in the case of "public" and will be illustrated very soon in the case of "propaganda." We are concerned with "opinion" at present.

What
"opinion"
means

Lowell has defined opinion as "the acceptance of one among two or more inconsistent views which are capable of being accepted by a rational mind as true. If only one view can be logically accepted, it is not an opinion, but the result of a demonstration. . . . All opinion, therefore, involves a choice, conscious or not, between different views which may be rationally held."¹⁹ The choice need not always be based upon an actual process of reasoning. Ideas may be derived from other persons. "These ideas emanate from men who believed them, often had good grounds for holding them and according to the knowledge they possessed were rational in so doing; while the recipient had an opinion, or at least a blind reliance, on the credibility of the source from which they came."²⁰ Moreover, everyone has convictions; he has formed or borrowed—acquired in some fashion

A re-
stricted
meaning

¹⁷ In fact, only Connecticut and Rhode Island refused ratification.

¹⁸ Note the following citations: 1425, "common opynyoun"; 1689, "vulgar opinion"; 1781 (Gibbon's *Decline and Fall*), "public opinion."

¹⁹ *Public Opinion in War and Peace* (1923), pp. 12-13.

²⁰ *Ibid.*, p. 15. President Lowell says (p. 38) "that even philosophers sometimes tell us that all opinion is the result of emotion or desire, that we believe simply what we want to believe. But surely this is an exaggeration."

—a crude philosophy of life; and his attitude towards particular proposals may be determined altogether on the ground of their consistency or inconsistency with the principles that he professes. "When an old conviction is retained," says President Lowell,²¹ "or a new one is accepted, on account of its consonance with a code of beliefs already in the mind, although without any sufficient process of reasoning or knowledge of the facts, it may be regarded as an opinion in a very different sense from an impression derived from authority or suggestion apart from any such connection with existing ideas." Thus, a man who believes in personal liberty may, without knowledge of facts or arguments, oppose the censorship of books or the suppression of cigarette-selling. He has an opinion.

A broader
meaning

President Lowell held originally that, apart from such cases, "an opinion worthy of the name cannot be formed without both a process of reasoning and, what is far more difficult, the command of a number of facts."²² Ten years later he expressed himself differently. His new doctrine cannot easily be reconciled with the old; for he now classed mere off-hand impressions with opinions, on the ground that they may be "deemed to depend on the same general laws."²³ An impression, he now contended,²⁴ "differs from an opinion deliberately held because it is not reached by weighing the evidence or arguments in the particular case. It is not the result of conscious thought, but comes at once on the presentation of the question. Yet impressions of this kind are highly important, for the conduct of life is based far more upon them than upon carefully reasoned opinion; and in elections and other public questions the great mass of men act upon them rather than upon opinions formed by conscious effort." By a series of stages President Lowell has left reason behind and drawn close to the looser and more common conception of opinion. Observe, however, that he did not rely upon usage, as he might have done. He classed impressions with opinions because the former so frequently affect the conduct of men. If that is the key to opinion, then a place must be found also for cupidity, malice, gratitude, admiration, and all other sentiments to which voters respond.

Opinion may at times be rational or based on some preëxisting conviction. But the realistic usage that is commonly accepted regards

²¹ *Public Opinion and Popular Government* (1913), p. 21.

²² *Ibid.*, p. 23.

²³ *Public Opinion in War and Peace* (1923), p. 60.

²⁴ *Ibid.*, p. 55.

opinion as proceeding in the main from feeling and emotion.²⁵ "Orthodox democratic theory," says Bryce,²⁶ "assumes that every citizen has, or ought to have, thought out for himself certain opinions, *i.e.* ought to have a definite view, defensible by argument, of what the country needs, of what principles ought to be applied in governing it, of the men in whose hands the government ought to be entrusted." Contact with the citizen himself makes one realize, however, "how little solidity and substance there is in the political or social beliefs of nineteen persons out of every twenty. These beliefs, when examined, mostly resolve themselves into two or three prejudices and aversions, two or three prepossessions for a particular leader of a party or section of a party, two or three phrases or catchwords suggesting or embodying arguments which the man who repeats them has not analyzed. . . . It is therefore rather sentiment than thought that the mass can contribute, a sentiment grounded on a few broad considerations and simple trains of reasoning; and the soundness and elevation of their sentiments will have more to do with their taking their stand on the side of justice, honour, and peace, than any reasoning they can apply to the sifting of the multifarious facts thrown before them and to the drawing of the legitimate inferences therefrom." Public opinion, in ordinary speech, means the will or desire of the people, no matter how they arrived at it.²⁷

Seldom is opinion derived from a scrutiny of the facts and a process of reasoning. Without going so far as Wyndham Lewis and putting 80 per cent of mankind in the infant class,²⁸ we must admit that

²⁵ Kimball Young, *op. cit.*, p. 575. See also E. L. Bernays, *Crystallizing Public Opinion* (1923), p. 62.

²⁶ *The American Commonwealth* (rev. ed., 2 vols., 1910), Vol. II, p. 254.

²⁷ In *Modern Democracies* (I, 153-154) Bryce asks: "What is Public Opinion? The term is commonly used to denote the aggregate of the views men hold regarding matters that affect or interest the community. Thus understood, it is a congeries of all sorts of discrepant notions, beliefs, fancies, prejudices, aspirations. It is confused, incoherent, amorphous, varying from day to day and week to week. But in the midst of this diversity and confusion every question as it rises into importance is subjected to a process of consolidation and classification until there emerge and take definite shape certain views, or sets of interconnected views, each held and advanced in common by bodies of citizens."

²⁸ *The Art of Being Ruled* (1926), p. 90: "Take the poorest and most abject *crétin* in the community (eighty per cent of which resemble him very nearly). Say to yourself, there is nothing too simple and inhumanly stupid . . . for

Obstacles
to forma-
tion of
rational
opinion

the natural faculties of most men are, to say the least, primitive; and the business of politics, like most of the business of life, has grown steadily more complex. The political problems of Jackson's time were relatively simple; and perhaps the doctrines which we associate with his name—such as short terms and rotation in office—were less out of place then than they are now. The convention which renominated him in 1832 placed only one issue before the people—the personality of Jackson. The National Republicans, besides advocating a protective tariff and internal improvements, confined themselves to an attack upon Jackson's administration for its abuse of patronage and its attitude toward the Senate and the Supreme Court. Since then national platforms have grown longer and longer; they have invited the people to consider more and more intricate questions. Here are some of the topics that the Republican platform of 1940 dealt with: unemployment, relief, security, labor, agriculture (with ten separate proposals), tariff, monopolies, small business, government competition, public spending, third term, un-American activities, and national defence. If the statutes of any recent year were compared with those enacted a couple of generations back, the contrast would not be less striking; and it would be found that legislation to-day not only covers a much wider field, but also requires far more specialized and technical knowledge than it ever did before.²⁰

But, it may be argued, enlightenment too has spread. If, in the art this low-grade fool. It would take you five hundred centuries to teach him to frame the simplest abstract notion. He is permanently and for ever an infant; the Infants' Class always absorbs eighty per cent of the personnel of our famous terrestrial training school, or technical institute, which we call 'mankind.' ”

²⁰ President Lowell states the case in this way (*Public Opinion and Popular Government*, p. 47): “It has been suggested as an explanation of the selection of administrative bodies in Athens by lot, that any ordinary Athenian citizen was competent to judge whether a trireme was seaworthy and properly provided with oars, sails, arms and provisions. But the ordinary man to-day, or the ordinary member of Congress or of Parliament, is wholly unable by his own observation to form an opinion of any value on the condition of the hull, machinery, or armament of a battleship. In the same way any sensible Yankee farmer who found himself two hundred years ago on a committee intrusted with the care of the schools in his town might be capable of knowing whether the little red schoolhouse was properly built and whether the teacher was qualified to teach the three R's; while the best equipped member of a school board in a large city at the present time is unfit for his office if he attempts to decide questions either of schoolhouse construction or of education without the aid of expert advice.”

Can
education
overcome
them?

of warfare, each improvement in defensive armor has been offset by a corresponding improvement in offensive weapons, if the "impregnable" Belgian fortresses crumbled under German artillery fire, and if a battleship of 45,000 tons can be sunk by one torpedo from a submarine, similarly in politics the capacity of the masses to control problems that have grown terribly complicated, terribly hard to penetrate, has, like the efficiency of the naval gun, increased at a higher ratio. How could it be otherwise? Do we not spend two billions annually on our public schools and at the same time diffuse the highest forms of culture through moving pictures, the radio, and the Sunday supplement? Americans do get a lot of schooling. Unfortunately, while intelligence can be trained, it cannot be created, by education. It is inherited. We gain little by painting the corrugated-iron walls of a store to make them resemble brick walls. Specialization of function has proceeded so rapidly in politics that men of average intelligence and average knowledge are not competent, unless they defer to the authority and guidance of experts, to form a sound opinion on many of the problems that are laid before them. They are often unwilling to accept such guidance. Their superficial education, reinforced by the democratic doctrine that attributes universal competence to the average mind, is, as Bryce has remarked, sufficient to make them think they know something about the great problems of politics and insufficient to show them how little they know. "The instruction received in the common schools and from the newspapers," he says,³⁰ "and supposed to be developed by the practice of primaries and conventions, while it makes the voter deem himself capable of governing, does not fit him to weigh the real merits of statesmen, to discern the true grounds on which questions ought to be decided, to note the drift of events and discover the direction in which parties are being carried. He is like a sailor who knows the spars and ropes of the ship and is expert in working her, but is ignorant of geography and navigation."

But we are often told that, in one way or another, the popular will originates in the few and is communicated to the many.³¹ The instinct of imitation is strong in most men; and the instinct of sug-

Borrowed
opinion

³⁰ *American Commonwealth* (ed. of 1910), Vol. II, p. 289.

³¹ See, for example, Sir George Cornwall Lewis, *op. cit.*, esp. p. 122; Sir Henry Sumner Maine, *Popular Government* (1886 ed.), esp. p. 89; Walter Bagehot, *The English Constitution* (1900 ed.), p. 334; Frank Eklund, *Politics* (1922), pp. 140-141; Walter Lippmann, *Public Opinion* (1922) and *The Phantom Public* (1925).

gestion is strong in some. According to Tarde, ideas originate with men of prestige and from them spread downwards through a whole community. Aside from emotional reactions, the voter is likely to take the opinion that, coming from above, prevails in his environment, or else, having conceived an admiration for some particular personality, echo his views. "He has been told," Bryce says,³² "what to think and why to think it. Arguments have been supplied to him from without and controversy has embedded them in his mind. Although he supposes his view to be his own, he holds it rather because his acquaintances do the like. Each man believes and repeats certain phrases, because he thinks that everybody else on his side believes them, and of what each believes only a small part is his own original impression, the far larger part being the result of the commingling and mutual action and reaction of the impressions of a multitude of individuals, in which the element of pure personal conviction, based on individual thinking, is but small." He neither makes public opinion as a thinker nor helps to mold it as a critic. By the convenient method of borrowing he merely swells its volume.³³ The opinions that he entertains may be his offspring only by the polite fiction of adoption and would sometimes, were their lineage known, exhibit a most respectable family tree.

Process of
borrowing

The citizen has been told that "it behooves a red-blooded member of democracy always to have an opinion, even if it is a baseless one."³⁴ A pose of civic omniscience, he knows, is expected of him. If his low-grade intelligence and preoccupation with personal affairs prevent his thinking things out for himself, he can make a selection between competing ready-made opinions. He defers to the judgment of a man or group of men whose character or attainments or purposes have won his confidence; to the judgment, it may be, of an editor, a politician, a captain of industry, a labor leader; or of a group like the American Farm Bureau Federation or the United States Chamber of Commerce. He begins, perhaps, by forming an off-hand impression from what he reads and hears. This impression tends to solidify; and, when he has committed himself to a definite view, he seizes upon arguments, wherever he can find them, to buttress his position and give it the appearance of rational solidity. He borrows an opinion, because, without it, he would lose prestige with his family, his barber, and his fellow Rotarians. The less he knows about the

³² *American Commonwealth*, Vol. I, p. 253.

³³ Bryce, *Modern Democracies*, Vol. I, p. 157.

³⁴ Simeon Strunsky in the *New York Times Book Review*, October 25, 1925.

lease-lend act or our relations with Madrid and Vichy, the more insistent and oracular he is in telling the world about it. At the very mention of the subject he clears his throat portentously, makes an impressive gesture, strikes a special attitude which he has observed in politicians, and conjures up a tone of voice which is universally conceded to be appropriate. Let no blame attach to him: he is acting the part assigned to him by the democratic ritual.

This practice of borrowing opinions should be subjected to further scrutiny. All sorts of opinions are being peddled about. Why is one opinion borrowed instead of another? The explanation is not hard to find. We start with this assumption: the average citizen is not in a position to generate an opinion by any intellectual process, either because, being stupid, he has no reasoning faculties or because, being apathetic, he refuses to exert himself outside his immediate personal concerns; and yet, in conformity with the postulates of democratic theory and his prestige as a citizen, he is expected to equip himself with answers to every question with which the community is grappling. Among the ready-made answers in the market, he has a wide range of choice. *He takes what appeals to him most—what best satisfies his emotions and economic interests.* Whatever quantity of reason may have gone into the manufacture of the opinions, along with other ingredients, it is not reason that makes them attractive. Nor should it be supposed that, in the long run, the somewhat diluted leadership in opinion determines the direction that the crowd will take.³⁵ The crowd itself does not know. It moves along

Basis
of a
preference

³⁵ In *The Unseen Assassins* (1932), p. 14, Sir Norman Angell maintains that "the opinion or attitude of the ordinary man is not a negligible factor in human affairs"; that "on the contrary, it generally determines public policy and the nature of our society"; and that such evils as war are not imposed upon us against our will or our desire by small minorities or vested interests. "Such minorities, to achieve their ends, must first make their will or desire that of the mass of men. It is that will of the ordinary man, however created, which remains the determining factor."

It is no misfortune that the unthinking masses, governed by instinct and so more responsive to nature, pay such little attention to the intelligentsia. Bryce says (*Am. Com.*, II, 255): "The apparent paradox that where the humbler classes have differed in opinion from the higher they have often proved by the event to have been right and their so-called betters wrong . . . , may perhaps be explained by considering that the historical and scientific data on which the solution of a difficult problem depends are really just as little known to the wealthy as to the poor. Ordinary education, even the education which is represented by a university degree, does not fit a man to handle these questions, and it sometimes fills him with a vain conceit of his own competence which closes his mind to argument and

a route that no living man can chart in advance, the direction being determined by a series of minor adjustments, by the day-by-day interaction of man and his environment, by stimulus and response.

PROPAGANDA

Opinion
propagated

Ready-made opinions are not merely accessible to the man who wants to borrow them. Like other commodities, they are brought to his attention by skilful advertisement—that is, by propaganda. Propaganda is as old as civilization, as old as the desire to impose on others, by the arts of persuasion, a particular way of thinking and acting. The Christian Church was, of course, active among the barbarians; the College of the Propaganda is a monument to the proselytizing zeal of the Roman Catholic Church. From the days of the Anti-Corn-Law League in England, the possibilities of organized agitation have come to be well understood. A century ago Cobden and Bright, as the most effective of the League's active supporters, set about the conversion of the country to free trade; and by adroit appeal to reason and interest—through speeches and economic pamphlets—they facilitated the victory of industry and commerce over agriculture, and made it a sweeping one. The story of the campaign for equal suffrage has been told in the previous chapter. In the next two chapters, attention will be directed to the various organized groups and to their methods of exerting pressure.³⁶

Is propa-
ganda evil?

Sometimes their methods are open and straightforward; sometimes, hidden and devious. Bribery and misrepresentation have been revealed so often—and particularly in the service of national interest during the World War—that the term "propaganda" has been given, by some American writers, a sinister implication that does not belong to it. Professor Frederick E. Lumley, for example, declares that "there is no such thing as 'good' propaganda."³⁷ He proceeds to justify this view by quoting numerous authors. He does so impartially, with-

the accumulating evidence of facts. . . . He is apt to underrate the power as well as the worth of sentiment. . . ."

³⁶ On the propaganda of interest-groups see: L. W. Doob, *Propaganda: Its Psychology and Technique* (1935); E. P. Herring, *Group Representation before Congress* (1929); E. Gruening, *The Public Pays* (1931); F. E. Lumley, *The Propaganda Menace* (1933); S. McK. Rosen, *Political Process* (1935); E. Schnattschneider, *Politics, Pressures and the Tariff* (1935); Belle Zeller, *Pressure Politics in New York* (1937).

³⁷ *The Propaganda Menace* (1933), p. 21.

out any attempt to suppress contrary opinion.³⁸ It may be that the weight of opinion, among American sociologists and psychologists, inclines in his favor. In the field of political science, however, such men as Gosnell, Odegard, and Herring stand against him. Moreover, the books that he cites were written in the 'twenties during the reaction against the excesses of war propaganda. Before the War, very little was written about propaganda.³⁹ Except for references to the Roman Catholic Congregation of the Propaganda, the eleventh edition of the *Encyclopaedia Britannica* (1910-1911) was silent on the subject. But to the twelfth edition (1922) a British intelligence officer contributed an article on the topic, dealing almost altogether with war-time activity. He defines propaganda as "a concerted scheme for the formation of a doctrine or practice." Later he qualifies the definition by saying that the object is selfish, as in the case of trade advertisements or political campaigns; not altruistic, as in the case of missionary efforts. The qualification might be criticized on several scores, especially because the Latin word, connected with Catholic missions, had been familiar in England since the seventeenth century.⁴⁰

In the fourteenth edition of the *Britannica* (1929), Wickham Steed gives propaganda two meanings—one original, the other secondary

Not necessarily so

³⁸ Yet he does dismiss contrary opinions with curt and inadequate phrases. Thus Sir Campbell Stuart, in *Secrets of Crewe House*, defines propaganda as "the presentation of a case in such a way that others may be influenced." This will not do; it "might be teaching anything!" Similarly, the definition in the *Oxford English Dictionary* is rejected as "too general." Finding that the Romans did not use the term in this sense, he points out that the Romans practised deception even if they did not call it propaganda! Of Lumley's book Leonard W. Doob observes (*Propaganda: Its Psychology and Its Technique*, pp. 83 and 84): "Polemic writing of this kind is characteristic of the books produced in the early twenties as a reaction to the War-bath of propaganda; it is unworthy of the succeeding decade. . . . It is not surprising, then, that Professor Lumley heaps his scorn upon those who wish to disturb the peace of democracy or that he is indignant when propagandists depart from his conception of the truth." Professor Lumley sees only one weapon to use against propaganda: genuine education. He does not see that the remedy itself would be propaganda. Doob's observations are to the point. (*Ibid.*, pp. 85 and 87.)

³⁹ According to the *Oxford Dictionary*, the English word was first used in 1842, somewhat as Professor Lumley would have it, "as a term of reproach" against the spread of noxious political opinions by secret associations. After a generation or so the implication of evil seems to have been lost.

⁴⁰ Not to speak of the Society for the *Propagation* of Christian Knowledge, the Society for *Propagating* the Gospel among the Indians, etc.

or derived. "The purpose of propaganda is to influence opinion and conduct." Whether it is good or not depends upon the methods that are employed. During the World War, the belligerents resorted to such dubious practices, in their attempt to maintain a confident spirit at home and to gain the favor of neutrals, that propaganda got a bad name as the indiscriminate advocacy of special interests. But Steed regards this as a secondary meaning. "Nor," he adds, "are coloured or partial presentations of a particular point of view necessarily the most effective form of propaganda." He may be right when he gives the word two meanings. Perhaps it would be more correct to say that propaganda may be conducted by ethical or unethical methods. Professor Doob attaches a stigma to it only when it entails deleterious social effects.⁴¹ After all, there is nothing sinister in having an opinion, even one based on economic interest, or in trying to convert others to it. We assume that the citizen should do what he can to make his version of the truth prevail. But in his crusading ardor he is apt to attribute to his adversaries anti-social aims. "The tariff or utility lobbies are bad," says George Soule,⁴² "if one opposes the principle of protection or disbelieves in the beneficence of private enterprise in the electricity industry, but not if one adopts a contrary position. How many citizens denounce the prohibition lobbies, and how many believe these agencies of righteousness? What about the lobbies for farm relief, and the lobbies supported by many liberals and progressives themselves, which aid labor and social legislation or combat private greed? The lobby, it is said, has the virtue that it organizes specific interests to affect governmental policy, and, after all, if governmental policy is to be realistic, it must achieve a balance of interests."⁴³

⁴¹ *Op. cit.*, p. 87. But see Max Lerner, *New Republic*, August 26, 1940.

⁴² *A Planned Society* (1932), p. 36. Similarly E. L. Bernays says (*Crystallizing Public Opinion*, 1923, p. 212): "The only difference between 'propaganda' and 'education' really is in the point of view. The advocacy of what we believe in is education. The advocacy of what we don't believe in is propaganda." He defines propaganda (*Propaganda*, 1929, p. 150) as "simply the establishing of reciprocal understanding between an individual and a group."

⁴³ Opponents of the Roosevelt Administration have frequently charged it with maintaining a colossal machine for propaganda. "Despite careful attempts to find out," said Representative Paul W. Shafer of Michigan (*Congressional Record*, June 30, 1938, pp. 13193-13196), "nobody knows the precise extent and organization of this publicity work," which colors fact with opinion and engages in "deliberate falsification of the news. . . . Much of it is financed and carried on in contravention of the law; and much of it is designed and distributed in such a way as to contravene good public morals and the im-

Are we
helpless
before it?

The curious aspect of propaganda in the United States is the fear that it inspires.⁴⁴ To use the language by which Senator Maclay voiced his objection to the visits of President Washington to the Senate chamber, men are afraid of having their advices and consents ravished from them. According to Walter Lippmann,⁴⁵ the most significant revolution of modern times is "the revolution that is taking place in the art of creating consent among the governed. Within the life of the new generation now in control of affairs, persuasion has become a conscious art and a regular organ of popular government. None of us begins to understand the consequence, but it is no daring prophecy to say that the knowledge of how to create consent will alter every political premise." No doubt, in this land of high-pressure salesmanship, a man adopts an opinion against his will, or because insistence has paralyzed his will, just as he buys an encyclopedia or an electric ironer that he does not want! Foreigners have observed this same amiable weakness. Nowhere outside of the United States, says Professor André Siegfried,⁴⁶ "can the public be so successfully

partiality and objectivity which the citizen has a right to expect from his Government." Mr. Shafer estimated the total cost at well over \$1,500,000 a year. He quoted Secretary Wallace as saying that "a steadfast national allegiance to any good course, international or intermediate, also requires a certain degree of regimented opinion. . . . The degree of education and of propaganda required to make the great body of American consumers, rural and urban, stand firmly together for lower tariffs would have to be rather intense."

⁴⁴ Professor O. W. Riegel (*Annals of the American Academy*, Vol. CLXXIX, 1935, p. 201), pays his compliments to "a growing number of students, critics, and professional expositors of propaganda. The propaganda monster is mainly their creation, and they have made of him one of the most formidable beasts in the modern menagerie of phobias. Indeed, there is some danger of an epidemic of a new nervous malady, propaganditis, which might be diagnosed as a paranoiac hallucination of the citizen that the whole world is conspiring to put something over on him." See also Riegel's *Mobilizing for Chaos. The Story of the New Propaganda* (1934). Equally sage comments will be found in "Topics of the Times," *New York Times*, August 30 and October 6, 1940.

⁴⁵ *Public Opinion* (1922), p. 248. Apparently Mr. Lippmann has lost his fear of propaganda. In 1938 he writes that "there is only one way by which another great war can be averted. It cannot be done by an appeal to reason. It cannot be done by moral exhortation. . . . There is only one way, the old inevitable way of men who defend what they hold most dear." He is aware of the tremendous propaganda against war or foreign entanglements in the United States, but he is certain that, "when the European democracies take their stand, American popular opinion will passionately take their side, so passionately that in the end it will not permit them to be defeated." Perhaps this remark indicates the real reason why America entered the World War.

⁴⁶ *America Comes of Age* (1927), pp. 244-246.

manipulated by experts. . . . Nowhere else in the world are associations so powerful, and especially if they have some social or religious propaganda in view. The good will, the funds, and the devotion at their command are enormous. With their excellent equipment and ceaseless and varied activity, they are the real expression of the community, and they enable it to carry out definite programs of reform. The reverse of the medal, however, is most alarming, for their unrestricted influence upon public opinion is positively dangerous. An Anglo-Saxon community is a veritable hot-bed of fanatics who know no scruples in imposing their nostrums. Publicity, which is reduced to an exact science, provides an automatic means of reaching the masses. The temptations are too great and the weapons too efficient. . . . In this land of exaggerations, where ideals are pushed to extremes, public opinion is a formidable weapon. The methods of organizing it, crystallizing it, and inflaming it to the point of hysteria are so well understood and the technique is so perfect that, given the malleability of the people, there appears to be no limit beyond which they cannot be led."⁴⁷

Its
limitations

There is, however, a limit beyond which they cannot be led. If no one knows exactly where that limit is, this much, nevertheless, may be said with confidence. Propaganda cannot succeed beyond the moment unless it runs along with some preëxisting disposition of the popular mind or with sympathetic social tendencies; and it cannot succeed even for the moment if it conflicts seriously with some preëxisting disposition or tendency. An example will make this clear.⁴⁸ Persons who lived in the Northeastern part of this country after August, 1914, realized that no propaganda was needed to create a

⁴⁷ Aldous Huxley exaggerates the power of propaganda in a similar fashion and thinks that the psychologists can do what they will in molding public opinion. See his article, "Do We Need Orgies?", in *The Yale Review*, Vol. XXIII (1934), pp. 466-483. He says: "What is the use of a Disarmament or a World Economic Conference so long as the people of each nation are deliberately encouraged by their leaders to indulge in orgies of group solidarity based on, and combined with, self-congratulation and contemptuous hatred of foreigners? Our need is rather for a World Psychological Conference, at which propaganda experts should decide upon the emotional culture to be permitted or encouraged in each state and the appropriate mythologies and philosophies to accompany those cultures."

⁴⁸ It must be held in mind that, when one propaganda wins, usually an opposing propaganda loses and that money and organization seldom explain the result. Why did the suffragists beat the money-bags of brewers and distillers? Why did Roosevelt beat Hoover? It often happens that propaganda,

sentiment in favor of the Allies and that none could accomplish much for the Central Powers. The Germans tried open propaganda; it collapsed; and the collapse, says Walter Millis,⁴⁹ "drove the agents who remained into the more dangerous method of clandestine subsidy. They appreciated, no less than Sir Gilbert Parker, the importance of getting native Americans to present their case; but where the Allies could command their thousands of devoted American propagandists, the Germans could find scarcely a handful. A list they drew up of possible native spokesmen contained only thirty-three names—a pitiful showing. The Allied propaganda, moreover, enjoyed the inestimable advantage of being self-financing. Our public clamored for books, articles, and motion-picture films which conveyed it. Old-established American publishing houses found it profitable, and did not think it unpatriotic, to enter into agreements with the Entente governments for the distribution of propagandist war books, and there was a huge trade in volumes on trench life from the French and British standpoint. Those who voiced the German side of the case found no such markets."

If men are "suggestible," as the psychologists so often tell us, they certainly do not succumb as readily to one propaganda as to another. They must make a choice between suggestion and counter-suggestion. The Anti-Saloon League conducted a crusade for prohibition, but the opposed interests were equally active and spent as much money; therefore, to understand why victory rested on one side and not on the other, it would be necessary to examine the situation for the determining factors. In measuring the efficacy of propaganda, we must always have in mind two vital considerations. In the first place, issues are rarely, if ever, presented to the people from one side alone; suggestion competes with counter-suggestion—free speech with conformity, free competition with public regulation. Propaganda can win only by defeating propaganda. In the second place, the propaganda that wins does so, not because of superior adroitness

Its
efficacy
overrated

though employed, clearly was not the determining factor. Why was Great Britain converted to free trade in the nineteenth century and converted back again to protection in the twentieth? Why was America converted to prohibition in 1919 and converted back again in 1933?

⁴⁹ *The Road to War: America 1914-1917* (1935), p. 202. Millis says (p. 204): "What subterranean activities the Entente agents may have engaged in is not known, for they were never investigated; they were probably few, for the Allies had little need of secrecy. The representatives of the Central Powers, on the other hand, were driven to try everything."

and greater persistence, but because the people are already moving in the same direction.⁵⁰ It was not the eloquence of John Bright and the persuasive reasoning of Richard Cobden that converted Great Britain to free trade toward the middle of the last century; the very formation of the Anti-Corn-Law League in 1838 indicated that, with the marvellous growth of industry and commerce, the time was ripe for the change. Nor was it the tireless agitation of tariff-reformers that converted Great Britain back again to protection after the Great War. Whenever we pause long enough to pick out and appraise the factors that determined the result, we come to the conclusion that propaganda has been absurdly overrated.

Its
short-time
value

The most that can be said for propaganda is that it may have a short-time value.⁵¹ When it does not run counter to some settled tendency, it may lead the people to acquiesce, for a while, in novel courses. Twenty-five years ago, the Russian people got what they wanted under Bolshevik direction—peace, land, and a measure of self-determination for nationalities. If they did not actively favor the expropriation of industrial and commercial establishments, they were at least indifferent to it. Undoubtedly Lenin and his group of Communists set up many social patterns of their own devising, although much that happened was dictated by circumstances contrary to their own plans. But, as Plato and Aristotle contend and as history seems to show, excesses breed reaction; orgy gives way to routine. The edifice of Lenin's dreams has collapsed. Lincoln was right: you cannot fool all of the people all of the time; and the Russian masses have grown tired of propaganda, impervious to it.⁵² After indulging in

⁵⁰ Answering the question of which propaganda shall prevail, Professor Doob (*op. cit.*, pp. 411-412) ignores this aspect and proceeds along other lines. "The propaganda which people support," he says, "must be selected by them. . . . As a matter of fact it is unreasonable to believe that the vast majority of people will or can ever be able to distinguish the sense from the nonsense in which they are embedded. And yet it is not completely impractical to hope for a clarification of the issues which give rise to a set of social values. . . . More people simply must puncture the lies in the 'truths' which they accept, and appreciate the truths in the 'lies' which they reject."

⁵¹ Ernest Barker (*National Character*, 1927, p. 145) admits that it has "a short-time value in moments of excitement," but holds that it has less influence than commonly thought and can create no permanent and universal disposition.

⁵² According to A. R. Williams (*The Soviets*, 1937, pp. 463-464) Stalin himself has said recently: "Propaganda doesn't do anything. Constitutions and systems are changed by natural causes, not by talk or books. In the old days the Tsars blamed the French or German Socialists for importing So-

an orgy of experimentation, they are returning to normal routine and moving in a direction that the dictator and his henchmen must accept. In such an outcome there is nothing out of the ordinary. If we concede that the propaganda of the Anti-Saloon League carried the Eighteenth Amendment, we must also acknowledge that it was helpless in the face of the movement for repeal. Often propaganda lacks even a short-time value. Anyone who has studied elections must be skeptical about the value of campaign oratory and literature.

THE PRESS AND PUBLIC OPINION

In the development of opinion, newspapers play an indispensable part.⁵³ Without them, democracy could not endure in large countries like the United States and Canada, for, aside from local areas of small population where events become a matter of common knowledge through personal intercourse, people are almost entirely dependent upon the newspapers for political information. "The newspaper is," says Walter Lippmann,⁵⁴ "in all literalness the bible of democracy, the book out of which a people determines its conduct. It is the only serious book most people read. It is the only book they read every day." Nearly everyone has a favorite paper upon which he relies for information and from which, perhaps without knowing it, he borrows his opinions. It may, among serious-minded people who have made a wise choice, become a household institution, an intimate friend capable of inspiring strong regard and personal attachment.⁵⁵ Great indeed is the power of the press—and the responsibility that goes with power. In the past its influence, exerted on

News-
papers play
a vital
rôle

cialism into Russia, forgetting that the conditions of life, and not propaganda, determine the course of events. Now, I suppose, they are making the same mistake in the United States when they say we are exporting Socialism to Europe. . . . Each country, if it so desires, will make its own revolution. Exported revolution is nonsense."

⁵³ Professor Kimball Young (*Social Psychology*, 1930, p. 627) tells us that "they do not make opinion altogether. They have the secondary characteristic of reflecting public opinion. Thus, like the leader of a crowd they may help to crystallize opinion already vaguely felt. . . . Whatever effect the printed page may have upon the reader, it can influence him only in terms of his appreciative mass, of his previous habits and conditionings. That it can entirely remake his attitude is doubtful."

⁵⁴ *Liberty and the News* (1920), p. 57.

⁵⁵ Bryce tells us (*Modern Democracies*, Vol. I, p. 102) that Goldwin Smith "remembered an article in which a great British newspaper claimed that it discharged in the modern world the functions of the mediaeval Church."

behalf of self-government and social justice, has often seemed vital. There are many papers to-day that possess and merit public confidence. But on the whole a feeling of distrust and apprehension has somewhat shaken the credit of the press.

They have
been much
criticized

Complaints are most frequent and most vociferous among self-styled liberals, like Socialists and Communists, who find nothing but evil in capitalistic enterprises. Yet the feeling of disquiet is not confined to any particular class, although its basis varies with social attitudes. What James Bryce wrote just twenty years ago still ranks as the most judicious appraisal of the press in a democracy.⁵⁶ Norman Angell then regarded the press as "one of the worst obstacles to the development of a capacity for self-government."⁵⁷ Walter Lippmann said that men "are wondering whether government by consent can survive in a time when the manufacture of consent is an unregulated private enterprise. For in an exact sense the present crisis of western democracy is a crisis in journalism."⁵⁸ Frank Exline declared that governments could not survive without restraining and controlling the press.⁵⁹ Such views echoed the earlier statement of Professor E. A. Ross that "the defection of the daily press has been a staggering blow to democracy."⁶⁰ The most severe indictment will be found in Upton Sinclair's *The Brass Check* (1919).⁶¹ It deserves serious attention because of the abundance of detail that is supplied. Although allowance must be made for Sinclair's sense of personal grievance and his bias against the existing social order, the book is marked by a thoroughness and a mastery of the facts such as place it somewhat outside the category of mere propaganda. On the other hand, he fails altogether to notice that distortion of the news is far more common and flagrant in the socialist than in the capitalist press.

Commer-
cialization
of the
press

The offences attributed to modern journalism, whether justly or unjustly, are supposed to have their rise in its commercialization. The metropolitan newspaper of to-day, requiring an elaborate plant and a costly news service, has behind it a capital of millions. It is a large, and sometimes very lucrative, business enterprise. The capitalist-

⁵⁶ See *Modern Democracies* (2 vols., 1921), Vol. I, pp. 92-110. On our city press cf. E. L. Thorndike, *Scientific Monthly*, Vol. LII (1941), pp. 44-47.

⁵⁷ *The Press and the Organisation of Society* (1922), p. 16.

⁵⁸ *Liberty and the News* (1920), p. 5.

⁵⁹ *Politics* (1922), p. 135.

⁶⁰ *Changing America* (1912), p. 57.

⁶¹ For a recent attack on the press, see an address by Irving Brant, reprinted in the *Congressional Record*, June 3, 1938, pp. 10775-10777.

owner has superseded the editor-owner. He has invested his millions for profits, usually money profits, though in some cases he may look rather to satisfying political or social ambitions or to promoting various business interests. Speaking generally, he expects his investment to bring dividends; he has to meet stiff competition in which, as in other fields of big business, the strong devour the weak; and his energies are concentrated upon increasing the circulation of the paper, because circulation brings advertisers and advertisers make the paper pay. As the price is reduced to attract more readers, it represents a smaller and smaller fraction of the cost of production. The paper derives at least two-thirds of its income, occasionally a much larger proportion, from the sale of advertising space. For this reason the business office dominates the editorial office. The insatiable appetite for circulation overpowers conscience and drives ideals into hiding.

Under pressure from the business office, according to the critics, news is distorted, suppressed, and even manufactured. "There is just one deadly, damning count against the newspaper as it is coming to be," says Professor Ross,⁶² "namely, *It does not give the news.*" Advertisers set themselves up as censors.⁶³ When a powerful merchant has been guilty of violating the customs laws or the building code or of selling adulterated or misbranded goods; when his employees strike or are shown to be working under intolerable conditions; when the merchant himself becomes involved in scandal (through the bribery of a public official, perhaps), the papers are silent. Honest, fearless criticism of plays and books is rarely permitted. William Winter, a celebrated dramatic critic, was forced to resign from a New York newspaper because his attack upon indecent plays embarrassed the business office. Walter Prichard Eaton and four other critics in New York City had a similar experience. Such scandals led to state legislation in 1941. An advertising boycott, if systematized through the merchants' association or chamber of commerce, may even ruin a paper that has attacked public service corporations or given support to organized labor in a strike. On the other hand, the newspaper may extort advertising by blackmail. "I was sent out to get interviews from other persons who didn't like the Kansas City, Pittsburg and Gulf Railway," says William Salisbury in his very interesting reminis-

Its
alleged
effects:
(1) Dis-
tortion
of the
news

⁶² *Op. cit.*, p. 109.

⁶³ Sinclair, *op. cit.*, pp. 282-299; Villard, *Some Newspapers and Newspaper-Men* (1923), pp. 165-166; Hilaire Belloc, *The Free Press* (1908), p. 15. See "Tested & Not Approved," *Time*, June 2, 1941, as to a tainted magazine.

cences,⁶⁴ "and I had to write many such interviews. And the railway company was not advertising in the *Times* then. A few months later the railway company was advertising in the *Times*, and in all the other Kansas City papers. And all the papers were saying that the railway and its seaport were very beneficial to Kansas City." Again, editorial policy may be affected by the other business interests of the proprietor. "I learned," says Salisbury,⁶⁵ "that the newspaper was only one of a great number of things in which its chief owner, John R. Walsh, was interested. He had begun his business career as a peanut vender. Now he conducted, or helped to conduct, two banks, a railroad, a dredging company, stone quarries, street railway and gas corporations, a baseball club, and many other unjournalistic things. I saw a list of sixteen corporations on the desk of the city editor. These were all Mr. Walsh's corporations. Every editor and sub-editor had been provided with the list. It was to remind him of the interests about which nothing unfavorable was to appear in the *Chronicle*." There have been cases, too, where newspapers have sold their influence for cash.⁶⁶ Even so, considering the unlimited opportunities, it is surprising that abuses have not been more flagrant and more common.

(2) De-
basement
of the
public
mind

The struggle for circulation has led to a lowering of tone. Newspapers have found it profitable, as Bryce points out,⁶⁷ to exploit the baser instincts of an "uninstructed, uncritical, and unfastidious mass of readers. Such newspapers, free from that restraint which the public opinion of the more educated class had hitherto imposed, could play down to the tastes of the crowd and influence its passions or prejudices by invectives directed against other classes or against foreign nations, or by allegations and incitements the falsity of which few of its readers were qualified to discover." Sir Norman Angell makes this his chief point of attack against the press.⁶⁸ "Newspapers," he says, "are compelled for the profits which are the condi-

⁶⁴ *The Career of a Journalist* (1908), p. 42.

⁶⁵ *Ibid.*, p. 139. And for another illustration see p. 42, where the city editor says: "We'll have to print a favorable story of this consolidation. I wouldn't give much space to that man Smith's remarks. I don't know what the gas people have done here, in this office, but you can guess. They've bought the Council."

⁶⁶ For the subsidizing of the newspapers of San Francisco in the time of Ruef and Schmitz, see Fremont Older, *My Own Story* (1919).

⁶⁷ *Op. cit.*, Vol. I, p. 95.

⁶⁸ *The Press and the Organisation of Society* (1922), p. 23. See also his *From Chaos to Control* (1933), especially pp. 176 and 185 *et seq.*

tion of their existence increasingly to appeal to the most easily aroused interests of their readers; to pander to the instincts and emotions that can be most easily excited. . . . This competitive process sets up a progressive debasement of the public mind and judgment; of that capacity to decide wisely and truly which is, in the last resort, the thing upon which the well-working of society must depend." And again:⁶⁹ "The constant stimulus to passion and the herd instinct, entailed by the necessity of finding an appeal that shall be wider and more successful than that of a rival newspaper concern, the consequent violence of the public mind, the impossibility of an unpopular view obtaining adequate expression, all end by destroying the capacity to weigh contrary opinion, by which alone thought on public issues is possible." This may be taken as a complaint against the Yellow Press; and, when judged by the standards of yesterday, most newspapers to-day, even some that affect a sedate air, are yellow. The masses are getting what they want.

Attitude of
journalists

Journalists fully understand the significance of business-office domination. They are restless under a restraint which, as William Salisbury says, makes journalism in America so nearly a mental serfdom. The managing editor of a metropolitan daily, before a gathering of his fellow-craftsmen, gave voice to his profound disillusionment. "There is no such thing in America as an independent press," he said,⁷⁰ "unless it is in the country towns. You know it and I know it. There is not one of you who dares to write his honest opinions, and if you did you know beforehand that it would never appear in print. . . . The business of the New York journalist is to destroy the truth, to lie outright, to pervert, to vilify, to fawn at the feet of Mammon, and to sell his race and his country for his daily bread. You know this and I know it, and what folly is this to be toasting an 'independent Press.' We are the tools and vassals of rich men behind the scenes. We are the jumping-jacks; they pull the strings and we dance. Our talents, our possibilities and our lives are all the property of other men. We are intellectual prostitutes." Self-respecting men do not like to falsify and suppress the news, to write fictitious interviews or improvise the details of battles in Manchuria.⁷¹ They

⁶⁹ *Ibid.*, p. 42. As to the exploitation of crime see J. L. Holmes, "Crime and the Press," reprinted from *Journal of Criminal Law and Criminology*, Vol. XX (1929).

⁷⁰ Quoted in Sinclair, *op. cit.*, p. 400.

⁷¹ But some reporters have a flair for fiction, which they indulge without any prompting from above, interviewing people who do not exist and de-

watch with regret the decline of public confidence in the press, the first stirring of a suspicion that the functions of the press touch the welfare of the community in a most vital way and that the common carriers of news, like the common carriers of passengers, would serve the public better under regulation.

But (1)
critics
exaggerate
and show
anti-capitalistic
bias

The subservience of the press to business interests, and the consequent distortion of the news upon which the public bases its judgment, may easily be exaggerated.⁷² Newspapers with large circulations need make no concessions to advertisers; for the merchant is actuated by economic motives and displays his wares where they show to best advantage. Nor does the press, being itself a capitalist enterprise of large dimensions, act as the mere tool of big business; it would be more correct to say that, as an equal and without conscious purpose, it assumes a benevolent attitude toward other capitalistic concerns. Again, while attributing the derelictions of the press to the competitive system and the unscrupulous drive for profits that it entails, critics like Upton Sinclair confine their attention to the so-called capitalistic press. By implication they find no evil in the organs of Socialism or Communism. This is, as anyone familiar with such organs can attest, a perverse or mistaken point of view. In looking for sound information one would scarcely prefer the *London Herald* to the *Times*. Socialists, importing their peculiar bias into journalism, exaggerate the very faults which they decry in others; and it is no sufficient apology to explain that they do it, not for the sake of their purses, but for the profit of the cause. Professor Doob remarks that the *Daily Worker* "tries to reinforce the opinions of its readers and, to a lesser degree, to draw other workers into the Communist fold. In addition to the general techniques already mentioned, the Communist editors emphasize only those current events favorable to the Communist ideology."⁷³

For the general lowering of tone the newspapers themselves are

scribing events which have not occurred. An Omaha newspaper proprietor refused to credit Henry M. Stanley's story of his finding Livingstone in Africa, because he had known Stanley to describe as an eye-witness events occurring in a city five hundred miles away. Salisbury, *op. cit.*, pp. 75-76.

⁷² On this point consult the excellent article by Professor O. W. Riegel, "Propaganda and the Press," *The Annals of the American Academy*, Vol. CLXXIX (1935), pp. 201-210.

⁷³ *Propaganda: Its Psychology and Its Technique* (1935), p. 239. Of French newspapers Professor Doob remarks (p. 354) that the more radical they are, the more they are inclined to suppress the sources of their news.

not primarily responsible. They are not eleemosynary institutions. Like other commodities, they can be made only so long as they can be sold; they must accommodate themselves to the market. In this age of large-scale production journalism does not adjust its tone to the refined and fastidious ear of the cultured classes; it must speak with a voice that will attract clerks and errand-boys, factory hands and unskilled laborers. From the nature of the case, the newspaper proprietor, like the candidate for political office, must employ the arts that captivate the crowd. Journalism and politics reflect the public taste.

(2) Popular taste is mainly to blame

Sir Norman Angell, although an ardent champion of democracy, has confessed that "the voice of the people is usually the voice of Satan."⁷⁴ He lays upon the readers rather than upon the press a large share of responsibility for the distortion of the news. "The natural man hates freedom," he says,⁷⁵ "the freedom, that is, of others to utter opinions with which he does not agree, which disturb his convictions." The hatred of heresy is age-long. The newspaper has to humor it. This might be regarded as an extreme position; there are prosperous newspapers that present the news fairly and accurately. Nevertheless, the habitual and systematic distortion which many papers practise is possible only because the people do not resent it. These papers, instead of confining opinion to the editorial page, obtrude it everywhere by coloring the news. A shift of emphasis alters the whole perspective; or they marshal all the facts (or inventions masquerading as facts) that establish a particular view, suppressing the rest. The report of a speech will show passages lifted out of their context and employed deliberately to misrepresent the speaker. Now, the theory of a free press, like the theory of free competition in business, assumes that restraint is unnecessary because the consumer will detect fraud or adulteration or poor workmanship. Having once been deceived, he will buy elsewhere. The purveyor of false news will be driven from the market. If this was ever true, if it was true when the newspapers depended upon an educated and critical class for support, it is clearly not true to-day. Either the masses prefer chicory to coffee or their palates are not sensitive

⁷⁴ *The Public Mind* (1927), p. 171. In *From Chaos to Control* (1933), p. 173, Sir Norman says that "the worst disasters which have come upon us could have been avoided if the ordinary man had grasped the social meaning of everyday things, of the facts he already knew."

⁷⁵ *The Press and the Organisation of Society*, p. 21. Thorndike, writing in 1941 (*op. cit.*, p. 47), denied that a newspaper must mirror its constituency.

enough to detect the difference. And in view of the volume of his business, the seller of news can afford to ignore the heated protests of the discriminating few.

There is much more that might be said in defence of American journalism. According to Professor Riegel,⁷⁶ "it has been victimized by the assiduous ferreting for propaganda. In the matter of its form, the newspaper is more convenient to propaganda hunters for study and criticism than most of the other media of communication. . . . The association in the popular mind between the newspaper and propaganda is therefore close, and it is often felt, not always with justice, that the makers of newspapers, from the proprietor down to the cub reporter, are deeply involved in the nefarious conspiracy to poison the popular mind." Probably newspapers are not better or worse than other human institutions. It happens that they have been, latterly, the special objects of muckraking. But muck can generally be found wherever it is sought—in night clubs and church choirs, in political machines and college football, in the stock exchange and the New Deal; and with all the greater ease if you denounce as muck all prejudices that conflict with your own. What is the significance of your finding it? You get one more illustration of human frailty. You are indicting certain evil propensities of mankind; not just capitalistic newspapers.

Dangers of
multiple
ownership

Another aspect of journalism occasions some disquiet. The process of consolidation that has marked business in general has extended to the newspaper field. It assumes two forms. Sometimes, as in the case of the *Herald-Tribune* or *World-Telegram* of New York, separate newspapers are brought under common ownership and merged.⁷⁷ This is done to effect economies and to increase efficiency. The number of dailies in the United States, instead of increasing, declined from 2,078 in 1919 to 1,989 eight years later. Sometimes operations are extended geographically, so as to bring newspapers in several different cities under the same management. We speak of chain news-

⁷⁶ "Propaganda and the Press," *Annals of the American Academy*, Vol. CLXXIX (1935), pp. 201-202.

⁷⁷ In New York City the late Frank A. Munsey purchased seven newspapers and then, by combinations, reduced the number to three. In 1924 he sold the *Herald* to Ogden Reid, who consolidated it with the *Tribune*. The Chicago *Tribune* and New York *News* are under the same control.

According to Ayers' *Directory* in 1940 the circulation of the *Herald Tribune* was 346,783; of the Chicago *Tribune*, 903,922; of the New York *News* (a tabloid), 1,880,370; of the New York *Times*, 474,277. According to *Time* (July 21), the circulation of the *News* had mounted to 1,948,759 in 1941.

papers as we speak of chain drugstores. The largest chains are (1942) Scripps-Howard, with 19 dailies; Hearst, with 16; and Gannett, with 20. The circulation of the Hearst papers amounts to something like a tenth of the circulation of all American dailies. "The rise of the Hearst chain," says Oswald G. Villard,⁷⁸ "and other similar ones like the Scripps-Howard . . . is a phenomenon fraught with evil, particularly when one considers it in connection with the consolidation or absorption of the weaker dailies by the strong, and the large number of cities which now have only one daily apiece. Any modern democracy is peculiarly dependent upon the obtaining by its members of sound information. Should all the city dailies of the country be owned by four or five individuals or groups of owners, the situation in this country would become exceedingly serious." The problem stated here is not peculiar to the United States. In England the combinations effected by Lord Beaverbrook and the late Lord Northcliffe (among others) have occasioned profound disquiet. The recent mortality among daily newspapers in the United States has been: 50 in 1938, 75 in 1939, and 39 in 1940. Of the last number 10 disappeared through mergers; 13, through conversion into weeklies. Five Southern cities (Richmond, Mobile, Montgomery, Memphis, and Nashville) now have but one daily.⁷⁹

Regulation has been suggested. Ramsay MacDonald, when prime minister in 1924, observed: "It is clear that measures will have to be taken to prevent public opinion being influenced, irritated, and poisoned at the caprice of a few men."⁸⁰ Walter Lippmann insists upon the necessity of regulation. When those who control the news columns, he says,⁸¹ "arrogate to themselves the right to determine by their own consciences what shall be reported and for what purpose, democracy is unworkable. Public opinion is blockaded. . . . In a few generations it will seem ludicrous to historians that a people professing government by the people should have made no serious effort to guarantee the news without which a governing opinion cannot exist. . . . In some form or other the next generation will attempt to bring the publishing business under greater social con-

Various
proposals
of reform

⁷⁸ *Some Newspapers and Newspaper-Men* (1923), p. 39.

⁷⁹ *Time*, January 13, 1941. The number for 1941 was 24.

⁸⁰ *Manchester Guardian Weekly*, Feb. 1, 1924, quoting an interview in the *Quotidien* (Paris). See, too, Belloc, *The Free Press* (1908), pp. 20-21. "We are, if we talk in terms of real things, . . . mainly governed to-day, not even by the professional politicians, nor even by those who pay them money, but by . . . the most unscrupulous and the most ambitious newspaper trust."

⁸¹ *Liberty and the News* (1920), pp. 11, 14, and 75.

trol. There is an increasingly angry disillusionment about the press, a growing sense of being baffled and misled." Like Norman Angell,⁸² he believes that there must be a radical change in the status of journalism and that, through a professional training in which the ideal of objective testimony would be cardinal, it should be given a standing similar to that of law or medicine. Angell goes much farther. He advocates the establishment of a guild for qualified newspapermen and the formulation of a professional code to which the members must subscribe. "If we had this preliminary condition," he says,⁸³ "we might then hope that a state newspaper would be managed as we manage a court of law, by a journalistic judiciary, pledged to tell the truth with the same scrupulousness that a judge is pledged to administer the law and hold the scales of justice even." The state press would not, however, be a monopoly. Upton Sinclair believes in public ownership as a part of the solution, though even under a Socialist régime he would leave groups and associations free to publish their own papers,⁸⁴ and he would have the reporters unionized.⁸⁵ Before taking their advice, however, we should remember that critics are sometimes eccentric, often extravagant. They seize upon the exceptional and represent it as the normal. The newspapers, while they may suppress or falsify the news in cases where their special interests are involved, for the most part act without bias; and regulation, applied generally because of occasional lapses, would entail abuses far worse than those which now exist. We should rather rely upon the

⁸² *The Press and the Organisation of Society* (1922), p. 82.

⁸³ *Ibid.*, p. 86.

⁸⁴ *The Brass Check* (1919), pp. 408 et seq.

⁸⁵ *Ibid.*, 417 et seq. Frank Exline (*Politics*, p. 133) proposes that the state examine and license all writers. Professor Ross (*Changing America*, p. 133) fixes his hopes in a private endowment, "since we are not yet wise enough to run a public-owned daily newspaper." Vacancies in the governing board would be filled in turn by the local bar association, medical association, central labor union, etc. Belloc, *op. cit.*, pp. 78-102, looks hopefully to the growing influence of independent papers, what he calls the "Free Press" as opposed to the "Official [capitalist] Press," papers which have come into being from a variety of motives—religious and racial propaganda, or indignation against irresponsible power and the concealment of the truth. Upton Sinclair views the corruption of the press as an incident of capitalism which would disappear in a collectivist society; but on this point the existing character of Socialist newspapers is not reassuring. We get still less reassurance from the Russian press. The Communists themselves joke about it. "There is no truth in the *News* (*Izvestia*) and no news in the *Truth* (*Pravda*)."

slow building up of the higher standards and better tone which already show themselves both in politics and in business.

A decade after Sir Norman Angell had advocated the formation of a professional society among journalists, the American Newspaper Guild was founded. At the outset, we are told,⁸⁶ some members of the Guild thought that it should follow the pattern of the Bar Association or the Medical Association. Less idealistic counsels prevailed. In fact, the Guild has shown itself much less interested in Angell's code of scrupulous adherence to the truth than in fighting, as an affiliate of the C.I.O., exclusively for economic advantage. It has been simply a left-wing trade union, which conducted eleven strikes in one year. Heywood Broun served as president until his death in 1940. He set the tone. Even Mrs. Eleanor Roosevelt has opposed the official leaders for adhering to the Communist party line.⁸⁷ Through apathy the members allowed control to pass into the clutches of a machine. In occasional uprisings, however, they expressed disapprobation. Thus, when the convention of 1940 refused to condemn Communism and Hitlerism, the members did so in a referendum and by a vote of nearly three to one.⁸⁸ Revolt against the dominating clique showed itself in the turbulent convention of 1941. Vice-president Milton Kaufman, accused of having been a member of the Communist party for eight years and a contributor to the *Daily Worker*, did win approval by a margin of ten votes;⁸⁹ but he could not defeat a motion under which the officers were to be elected henceforth by referendum.⁹⁰ In October the right wing elected their slate of officers by a vote of almost two to one. Criticism for radical bias and distortion of the news (hardly consonant with a high standard of journalism) had already led to the forced resignation of Clyde Beals as editor of the *Guild Reporter*.⁹¹ The membership stood at 17,169 in June, 1941, a gain of only 76 over the previous year.⁹²

American
Newspaper
Guild

Whatever criticism is levelled against the press, it still wields an enormous influence. It is true that little weight attaches to editorial pronouncements and that the electorate often shows a disposition

⁸⁶ Clyde Beals in the *American Federationist*, October, 1936.

⁸⁷ *Newsweek*, February 9, 1941.

⁸⁸ *Ibid.*, March 10, 1941.

⁸⁹ *Guild Reporter*, Vol. VIII (July 1, 1941), p. 12.

⁹⁰ *Ibid.*

⁹¹ *Newsweek*, December 30, 1940.

⁹² *Report of the executive board*, p. 14.

to flout the advice offered in that quarter. In 1922, though opposed by 349 of 357 newspapers in Wisconsin, La Follette won his fourth term as United States senator; under similar circumstances Kiel was elected mayor of St. Louis and Curley mayor of Boston in 1921; on occasion Tammany has held New York City when all the newspapers were combined against it. An unfavorable press did not destroy the amazing political vitality of Mayor Thompson in Chicago.⁹³ In 1936 President Roosevelt was supported by 60 per cent of the electorate and opposed by about the same proportion of newspapers.⁹⁴ Four years later, when Roosevelt's popular vote declined by 6 per cent, a poll by *Editor and Publisher* showed that only 289 of 1273 dailies (21.7 per cent) supported him, 13.4 per cent being neutral.⁹⁵ But in the long run journalistic opinion may be taken to reflect public opinion. Distrust of the press has not invaded the great mass of readers, if the volume of circulation and advertisements indicates the trend. During the year 1940 the volume increased.⁹⁶ If, to-day, the electorate does not respond to editorial advice, when did it do so? Jefferson, Jackson, and Cleveland won the presidency in spite of an unfavorable press. The situation of 1940 finds analogies in other periods of our history. Perhaps we should congratulate ourselves over the fact that journalistic opinion does not adjust itself, subserviently, to every shift in popular opinion.

⁹³ H. F. Gosnell, *Machine Politics: Chicago Model* (1937), p. 156. With four of five dailies against him, President Roosevelt's popularity increased in Chicago from 1934 to 1936. But Professor Gosnell believes (p. 181) that, "while a number of candidates have carried the second largest city of the United States in the face of a bitter and overwhelming press opposition, this does not mean that the press is without influence or that its relative effectiveness is rapidly declining."

⁹⁴ See "Topics of the Times," *New York Times*, March 13, 1938. President Roosevelt said that 85 per cent of the newspapers were against him. But the *Times* estimated the percentage at 65; *Editor and Publisher*, at 60. "If to this we add the country weeklies which rallied to the President by a very large majority it is obvious that the Democrats in 1936 did not win their tremendous victory against tremendous odds in the press." *Ibid.*, August 27, 1940.

⁹⁵ *New York Times*, October 26, 1940. According to the *Flint Journal* (*News-week*, April 14, 1941), in 85 per cent of communities with a population under 5,000 the majority vote coincided with the attitude of the local press; but the percentage fell to 48 in cities with a population over 100,000.

⁹⁶ Circulation by 5 per cent, advertisements by 3. *Time*, January 13, 1940.

Chapter VI

ORGANIZED GROUPS AND PUBLIC OPINION

The press must be regarded as an indispensable agency in the formation of public opinion. From it the voter gets the facts and sometimes the interpretation which he places upon the facts. But political news, as it appears in the press, proceeds in considerable degree from the activities of organized groups in the community and from conflicts between them. Whether through the medium of the press or through other methods of publicity, these groups are constantly seeking to enlist the attention of the electorate and influence the conduct of politicians. They explore abuses and ventilate grievances; they suggest improvements in the public service, devise remedies, expound principles, formulate plans. Sometimes they work solely for the public good; more often their objects are selfish. It is one of their functions to bring forward particular issues, marshalling the facts and the arguments that seem most likely to carry weight with the legislature or with the masses.¹ By the strength of their organization or by adroit management, perhaps by the mere persistence and intensity of their propaganda, they are able to reach the public ear in cases where the voice of isolated individuals would be lost in the general clamor. There are obvious advantages in association: the pooling of resources makes for economy of effort; subordination to a common policy gives force and momentum; and a cor-

Importance of organized groups

¹ As to their "pressure techniques," see Belle Zeller, *Pressure Politics in New York: A Study of Group Representation before the Legislature* (1937), pp. 229-250. Harold N. Dering thus describes the lobby of the American Legion: "So when an important Legion measure strikes a snag, the legislative committee, through Colonel Taylor in Washington, sends word to the publicity director in Indianapolis. The latter promptly informs the whole membership of the Legion through his channels, and there follows a flood of protest from home and a barrage of publicity that would give pause to any Congressman. Thus it was that when the House was considering a measure to pare many military expenditures, members of Congress received as many as 2,000 letters a day dealing with that bill alone." "The American Legion Machine: How it Exerts Its Strength," *New York Times*, September 18, 1932.

porate enterprise is capable of more sustained and continuous agitation.

Their
strength
and
weakness

Any private association that can enlist the self-sacrificing devotion of its members has immense possibilities. William Dudley Foulke, drawing on his own experience, testified to "the power of comparatively small groups of men, when properly organized and skilfully led, to accomplish by long and persistent efforts great public reforms."² Yet there is weakness, as well as strength, in coöperative undertakings. Membership may be, from the outset, merely formal, dictated by the hope of making useful connections; or it may become so, as indolence sets in and allows a dynamic chairman and secretary to furnish all initiative. Marguerite M. Wells, president of the League of Women Voters, sorrowfully admits that organizations sometimes lack vitality. "The sum total of their power," she says,³ "is somehow less than is to be expected of the total of the powers of their members. Members, in other words, 'hold out' on the organization. It is as though they joined an organization as an escape, not to unite their own last ounce of effort with others, but in the forlorn hope that somehow the organization itself will do something to spare them that supreme effort. Each gives a fragment of herself, hoping that somehow her fragment united with others will automatically achieve the desired result. In the belief that 'in union there is strength' each unites and relaxes, until in the end by a strange inversion it turns out that in union there is weakness." In measuring the significance of organized groups, therefore, it is not enough to note the size of the membership. Ten men may be more effective than ten hundred thousand. Never should one give too much credence to official reports as an index of achievements. Now and then they resemble the prospectus of a wildcat mining venture.

Their
relation
to party
politics

The organizations that concern themselves with politics, whether incidentally or exclusively, are countless and varied. The most powerful and, as will be shown later, the most essential to the well-being of a democratic society are the political parties. These may be said to differ from other groups in the fact that, under regulations laid down in the election law, they attempt to control generally both the personnel and the policies of the government. In pursuing that object, in selecting the issues that shall be laid before the electorate, parties must proceed with caution. They are bound by considerations

² *Fighting the Spoilsmen* (1919), p. 1.

³ *A Portrait of the League of Women Voters at the Age of Eighteen* (1938), p. 20.

of expediency. They must attract and hold more or less permanently a large mass of voters. They are therefore under the necessity of finding, by way of compromise, a common ground upon which this rather heterogeneous mass can be induced to coöperate. Certain questions which would precipitate discord and schism, questions which "cut across party lines," as the saying goes, or which have not reached the stage where a decision would be practicable, cannot safely be touched. They lie outside the domain of practical politics. That does not mean that they will suffer from neglect. Other groups, not faced with the same responsibilities and limitations as the parties, take up these issues and, by educating and informing the voters, develop a favorable public sentiment that the parties cannot ignore.⁴ The anti-slavery movement, the prohibition movement, and the woman suffrage movement will serve as illustrations. While the private associations or societies which touch politics in one way or another can hardly be enumerated, the most important fall into a few fairly well-defined categories.



GOOD GOVERNMENT ASSOCIATIONS

There are, for example, the civic or voters' leagues, which have done excellent service in a dozen or more of our largest cities.⁵ They do not confine themselves to the promotion of specific reforms. They rather bend their efforts towards improving the tone of politics, stimulating the sense of civic responsibility, and equipping the voter to make effective use of his ballot. They are nonpartisan organizations, interested in the cause of good government. First in this field was the Municipal Voters' League of Chicago, which is still active. It was founded in 1896, when municipal politics was notoriously and intolerably corrupt.⁶ While the League formulated a pro-

Municipal
voters'
leagues

⁴ "Partyism, in the nature of the case, is opportunism. Principle is something different. Great fundamental principles do not originate and are not developed in political party councils. They originate outside such councils and through the process of agitation and education they gradually grow into what becomes so acceptable to the public that parties finally declare for them in order to attract the many rather than the few. Political parties are of many ideas; champion many causes, selected with a view to those most likely to attract the largest number of voters." E. H. Cherrington, *The Evolution of Prohibition in the United States of America* (1920), pp. 168-169.

⁵ Robert E. Cushman, "Voters' Leagues and Their Work," *National Municipal Review*, Vol. IV (1915), pp. 280-290.

⁶ "The Common Council of the city of Chicago," says S. E. Spaulding, "was the synonym of all that is bad and disreputable in the city government."

gram, its main concern was with the election of councillors. It did not put forward candidates of its own, but undertook to make the existing parties responsible for the nomination of honest and capable men. It assumed the difficult task of exploring the public and private career of each candidate and giving the voter accurate information, unbiased by partisanship or prejudice.

Their
aims and
methods

The plan followed in organizing the Municipal Voters' League has been justified both by its own success in Chicago for forty years and by the success of replicas in other cities. An essential element in the plan was nonpartisanship. The League could invite the coöperation of all persons who were interested in good government, irrespective of party affiliation. Its advice was disinterested. No one could suspect it of self-seeking motives, of a wish to control the council for private ends, of a hunger for patronage or other spoils of victory. It passed upon the records of candidates for office impartially and fearlessly, endorsing and condemning without regard to party. Another essential element was what may be termed "protected leadership." One unfortunate result of primary legislation in America is that parties have lost the right to determine their own membership and may at any time be invaded, looted, despoiled of their leaders, and driven into an utterly new course. This has happened frequently. Not being a party, however, the League could take measures against such a calamity. It did not restrict membership in the manner of a social club. It simply deprived the members of control and entrusted final authority to a self-perpetuating executive committee of nine members. For various reasons, including a desire to consolidate civic organizations, the League disbanded in 1939.

Citizens
Union of
New York

The history of the Citizens Union of New York, founded in 1897, has demonstrated the wisdom of nonpartisanship.⁷ The Union set out with the same object as the Chicago League, but with a different method. It sought to purify the city government and abolish the spoils system; but, believing in the necessity of divorcing municipal politics from state and national politics, it took at the outset the form of a local party. It developed assembly-district organizations, drew up platforms, and nominated candidates in the usual way. In 1897, though beaten by Tammany, it polled a much larger vote than the

Outlook, Vol. LXXI (1902), p. 495. "Public despair has given place to general confidence in the early redemption of the Council," wrote E. B. Smith in 1900, *Atlantic Monthly*, Vol. LXXXV, p. 837.

⁷ W. T. Arndt, "A Quarter Century of the Citizens Union," *Searchlight*, Vol. XII (1922), No. 4.

Republican party.⁸ The outcome of this election suggested the advisability of combining all the forces opposed to Tammany; and four years later the Citizens Union, although pledged to the separation of state and local politics, stretched its conscience far enough to combine with the Republican party in presenting a fusion ticket upon which two independent Democrats appeared alongside of Republicans. Fusion won. At once the Citizens Union began to feel the embarrassing consequences of victory. The assembly-district clubs had been flooded by professional politicians, some of them former Tammany men, who had read the portents and wished to be on the winning side. Their appetites were keen for the sack of the city; they clamored for patronage; they denounced the ingratitude of reform officials whose election they had helped to bring about. The Union was rent by a terrific convulsion. It was only after a protracted struggle that the original group of reformers, now chastened by experience, regained control. The district organizations were first subordinated and finally (in 1918) abolished altogether. The party rôle was dropped. The Union now expresses its attitude towards local candidates for elective office without partisan bias—as a scrutiny of recommendations in 1939 and 1940 shows—and solely on the basis of their personal records.

What are the services performed by the Citizens Union which have given it a place of some influence in the community? Through the activity of various committees, they cover the chief phases of municipal government. One committee, dealing particularly with measures that affect the city, meets weekly while the state legislature is in session. In 1940 it acted upon nearly 750 bills and helped to secure the defeat of 292.⁹ Another committee follows the proceedings of the city council. Like the committee on legislation, it issues an annual report. Each fall a "Voters Directory" appears, as a special number of the Union's little magazine, *Searchlight*, now in its thirty-first volume, a magazine that is published at irregular intervals and circulated

Its various activities

⁸ Next year, abandoning the principle of separation between state and municipal politics, it nominated a full state ticket. The Union justified this inconsistency on the ground that "the control exercised by the state legislature, and latterly by the executive, over purely municipal matters has demonstrated the insufficiency of any effort for home rule that does not secure the selection of legislative and state officials completely independent of faction or party dictation." *Searchlight*, Vol. XII (1922), No. 2, p. 11. The adventure proved disastrous. The Union ticket received 2,100 votes out of 1,350,000. There was no further experiment in that direction.

⁹ *Annual Report*, 1940.

among the members. In this "Directory," the records of all local candidates are reviewed in detail; and, by way of advice to voters, the committee may endorse some candidates and list others as "qualified" or "preferred." The pamphlet is not only distributed widely, but also accorded prominence in newspapers. In 1941 the Union bent its efforts to bring about the success of the fusion ticket and of the movement to recast the system of government in the city's five counties. It has vigorously defended proportional representation since its adoption in 1936. The Union is not a close corporation, as was the Chicago League; the voting members, who choose the governing body, consist of all those who serve on any committee or who contribute as much as a dollar a year to the funds of the Union. Such at least are the formal arrangements. In practice the executive committee appears to hold a fairly tight rein.

2

REFORM ASSOCIATIONS

The civil
service
reform
movement

Good government clubs and voters' leagues, while giving support to specific proposals of reform, are concerned broadly with the problem of civic efficiency. Organizations of another type, like the National Tax Association and the Proportional Representation League, prefer to concentrate upon a single phase of that problem. Thus the Woman's party, under the leadership of Alice Paul, directed its entire effort towards securing the adoption of the Nineteenth Amendment; its methods have been described in a previous chapter. Such a limitation of aim often generates in the members of a group a religious fervor, a constancy of purpose which, like any firm conviction, tends to attract and dominate wavering minds. "Great is belief," said Carlyle, "were it never so meagre; and shall lead captive the doubting heart." Even movements which seem rather prosaic and which require infinite patience and detailed attention are capable of inspiring enthusiasm. For just sixty years the National Civil Service Reform League has fought the spoils system in politics. Persisting in the face of ridicule and discouragement, it has, in the national administration at least, all but stamped out an evil which, though condoned by politicians, was jeopardizing the future of democratic institutions. Distinguished men have been associated with the League: in the earlier days George William Curtis, Carl Schurz, and Dorman B. Eaton; later on Theodore Roosevelt, W. H. Taft, Woodrow Wilson, Joseph H. Choate, Charles W. Eliot. They have dedicated themselves to a cause which has sometimes provoked powerful enmities and which rewards them only with a sense of duty well performed.

It was necessary to educate public opinion, to popularize the principle of the merit system and permanence of tenure in the civil service; and no less necessary, when the principle had been accepted and embodied in law, to observe its application with sleepless vigilance, insist upon its rigid enforcement, and at the same time conduct a vigorous propaganda for its extension to all administrative employees in national and local government. The record of the League is impressive.¹⁰ A bimonthly magazine, *Good Government*, keeps its readers informed about the progress that is being made.¹¹

The prohibition movement

Most political reforms of consequence have originated in small groups. A few enthusiasts conceive the idea; organization enables them to keep up a systematic propaganda; and eventually, impressed by the real or apparent volume of favorable opinion which the agitation has created, parties and legislatures succumb before the vigorous and persistent assault. Economic and social reforms are effected in the same way. The temperance and prohibition movement is particularly interesting because of the long period of its activity and the varying methods that have been employed. At the outset, it was simply a moral crusade without any political objective. The American Temperance Society (1826) "was nothing more nor less than the voice and conscience of the church expressing itself in militant organized form. The leaders of that organization and those that followed in the movement for a quarter of a century were almost entirely of the church, and even in the case of the few non-church members who became active in the reform . . . , their spirit and motives were born in the atmosphere and under the peculiar moral influences of the church."¹² In a few years this society had a membership of a million and a quarter. Later its strength began to decline as new organizations, like the Sons of Temperance and the Good Templars, made their appearance, operating in the form of lodges and requiring their members to take a pledge of total abstinence. They grew so rapidly in strength that by the middle of the century the temperance forces began a campaign for state-wide prohibition in

¹⁰ *Activities and Program* (1936); W. D. Foulke, *Fighting the Spoilsman* (1919); F. M. Stuart, *The National Civil Service Reform League* (1929).

¹¹ Reference should also be made to the Civil Service Assembly, which seeks to improve standards and practices in public personnel administration. Its eight-page *News Letter* has appeared each month since 1935.

¹² Ernest H. Cherrington, *The Evolution of Prohibition in the United States of America* (1920), pp. 91-92. See also D. L. Colvin, *Prohibition in the United States* (1926).

almost all the states. For the most part, their efforts failed; and the failure, while due to many causes, must be attributed chiefly to inadequate organization and defective methods. But, whatever the outcome might be, the movement had committed itself in some degree to political action. In 1853 a convention representing all temperance societies in the United States declared that, "while we do not desire to disturb political parties, we do intend to have and enforce a law prohibiting liquor manufacture and traffic as a beverage, whatever may be the consequences to political parties, and we will vote accordingly."

Prohibition
party

It will be observed that the resolution did not contemplate partisan political activity. But the discouragements of later years and the refusal of both national parties to espouse the cause led to the founding in 1869 of the National Prohibition party. "The National Prohibition Party," says Ernest Cherrington,¹³ "marked an epoch in the history of the temperance reform movement in America. It pioneered the path of political activity for the Prohibition movement, and although it failed to accomplish its original purpose it certainly helped to clear the way for the non-partisan political activity which in later years succeeded in securing what the party as such could not secure. The Prohibition Party, moreover, sounded the alarm against the growing liquor traffic. Its clarion call for aggressive political action was largely responsible for breaking down the ancient doctrine that the temperance movement and political activity should be kept separate, which doctrine had been preached by the temperance advocates for half a century. In this respect, in fact, the Prohibition Party jumped from one extreme to the other. The organized temperance movements prior to 1869 had been both non-partisan and non-political. The efforts of many of the leaders of the American Temperance Union and the Good Templars of the fifties and sixties were to evolve a movement that would be political and yet non-partisan. The Prohibition Party was an attempt at both political and partisan activity." It was a party of one idea; and, although its platforms were not restricted to that idea and recommended reforms which the major parties afterwards endorsed, the great mass of men who believed in prohibition continued to support the Democratic and Republican tickets. The highest vote cast for a presidential candidate of the Prohibition party was 270,000 (out of twelve millions) in 1892.^{13a}

By that time, even the most sanguine spirits had abandoned all expectations of success through the plan of partisan activity. Indeed,

¹³ *Op. cit.*, p. 167.

^{13a} For further details see p. 283 *infra*.

the situation was less favorable now than it had been ten or fifteen years earlier. State-wide prohibition survived in only six of the eighteen states which had adopted it at one time or another, and even in these it was not properly enforced. Meanwhile the liquor interests, alive to the danger that confronted them, had perfected one of the strongest political machines ever known in the country.¹⁴ The prohibition movement, if it was to recover lost ground and become a really vital force, must have new methods and a new, aggressive leadership. At this juncture the Anti-Saloon League originated in Ohio. Within an incredibly short time it spread over the nation. The League was at once intensely political and steadfastly nonpartisan. Its methods were businesslike and systematic, resting upon realities and not upon vague emotion. It sought first of all, by every resource of argument, by every means of publicity, to create a favorable popular opinion;¹⁵ then, through pressure upon candidates and members of the legislature, to crystallize that opinion into law; and finally, instead of regarding the task as done when the law had gone on the statute book, to apply fresh stimulants to public opinion and thus make sure of the law's enforcement. In the 'fifties, and again in the 'eighties, the strategy had been too bold, the advance too rapid; and the shock troops had found themselves somewhat embarrassed when their lines of communication with public opinion were severed.

But "the leaders of the Anti-Saloon League fully recognized that the temperance reform could not be successfully accomplished by any short-cut route; that the mere passage of a law or the adoption

Its businesslike methods

¹⁴ The United States Brewers' Association was organized in 1862; the National Retail Liquor Dealers' Association, in 1893. In 1867 the former announced that it would oppose all candidates for office favoring prohibition. The political activities of the brewers were investigated officially in Texas, 1915; in Pennsylvania, 1916, where a heavy fine was imposed; and by the judiciary committee of the United States Senate, 1918. "From all of which it seems fairly clear that the liquor funds spent in the political campaigns of the country ranged from four to ten millions of dollars a year." Catt and Shuler, *Woman Suffrage and Politics* (1923), p. 141.

¹⁵ Of course, the way had been prepared by other organizations. The National Temperance Society of New York had distributed books, pamphlets, and tracts to the value of nearly a million dollars. Cherrington, *op. cit.*, p. 182. The Women's Christian Temperance Union had been instrumental in having children in the schools of most of the states taught the evil effects of alcohol on the human mind and body. "But for this remarkable achievement the Prohibition victories of the first two decades of the twentieth century would have been practically impossible." *Ibid.*, p. 175.

of a state constitutional amendment would not secure prohibition; that any law without the people behind it could never be permanently effective; and that in the last analysis the success of prohibition was dependent upon the slow but only sure process of the creation of temperance sentiment, the crystallization of that sentiment into public opinion, and the final expression of that public opinion in the drafting, enacting, and enforcing of prohibitory law. From the very beginning, the leaders of the Anti-Saloon League had insisted upon such a program and had consistently refused to be persuaded or driven from strict adherence to it. The radical element of the prohibition forces had repeatedly denounced the League and its policy as compromising, and even un-moral. In numerous instances where the League had refused to be coerced into a premature fight for state prohibition, it had been charged with having been afraid to fight, or with having been corrupted by the liquor interests; yet the League still held insistently to its course, which in the long run was bound to demonstrate the wisdom of those who were responsible for its methods and plans."¹⁶

Its
financial
resources

The propaganda of the League entailed huge expenditures. At the height of the campaign, something like \$2,500,000 was being spent yearly.¹⁷ After the Eighteenth Amendment had been adopted, contributions diminished. The total receipts for the years 1920-1925 were little more than \$11,000,000.¹⁸ Yet an average of \$1,850,000 a year offers a remarkable contrast to the small beginnings of 1893, when \$573 a year was pledged for the next three years. Where the money came from remains unknown. The League "has steadfastly refused to divulge the names of its principal contributors," says Professor Odegard.¹⁹ "This attitude has been adopted for a variety of reasons. Large contributors frequently requested or required that their names be kept secret. Business men and manufacturers . . . did not want to risk the danger of political and economic reprisals from the enemies of the League."²⁰ Where the money went to is less of a mystery. The eight presses at Westerville, Ohio, turned out fifty tons of literature every month, including one daily newspaper, one

¹⁶ Cherrington, *op. cit.*, pp. 277-278.

¹⁷ Peter H. Odegard, *Pressure Politics: The Story of the Anti-Saloon League* (1928), p. 181.

¹⁸ *Ibid.*, p. 200.

¹⁹ *Ibid.*, p. 186.

²⁰ In 1919 John D. Rockefeller, Jr., announced that his family had given some \$350,000 to the League within the past twenty years. *Ibid.*, p. 183.

weekly, and four monthlies.²¹ "The banner year came appropriately enough in 1920, when a total of 18,386,400 copies of the *American Issue* were printed. One might almost say that the liquor business was drowned in a deluge of temperance literature."²²

The Anti-Saloon League made enemies. Its methods, especially in manufacturing public opinion and intimidating legislators, provoked lively resentment. But, for a time, it succeeded. By 1906 approximately 35,000,000 people were living in dry territory; the saloon had been banished from an area of more than 2,000,000 square miles.²³ By 1913 half the population and nearly three-fourths of the area of the United States had come under prohibition.²⁴ Only then did the League feel safe in inaugurating a campaign for the amendment of the federal constitution,²⁵ although it had long been obvious that the difficulty of enforcing state prohibition laws made such a course inevitable. After failing in the Sixty-third and Sixty-fourth Congresses, the proposed amendment was passed in December, 1917, and ratified by the necessary number of state legislatures within little more than a year.²⁶ Nevertheless, the victory of high-pressure propaganda did not endure. The scandals that marked the attempt to enforce the Eighteenth Amendment led to a remarkable revulsion of feeling and, in 1933, to repeal.²⁷

Success
and
failure



CAPITALISTIC GROUPS ²⁸

There are organized groups of still another type which exercise a large influence in American politics. They may be described as representing the interests of economic classes—the capitalistic class, the wage-earning class, and the agrarian class. The capitalistic class, while possessed of enormous material resources, is relatively weak

Tactics of
capitalistic
groups

²¹ *Ibid.*, p. 74.

²² *Ibid.*, p. 75.

²³ Cherrington, *op. cit.*, p. 255.

²⁴ *Ibid.*, p. 320.

²⁵ Such an amendment, first proposed by the Sons of Temperance in 1856, was introduced in the House twenty years later and in the Senate in 1885.

²⁶ All states ratified the amendment except Connecticut and Rhode Island.

²⁷ Elmer Davis, "How the Wets Won," *Current History*, December, 1933, pp. 276-284.

²⁸ For a general treatment of this topic see Belle Zeller, *Pressure Politics in New York* (1937), especially Chapter III on "The Business Interests"; E. E. Schattschneider, *Politics, Pressure, and the Tariff* (1935), especially Chapter III on "Variable Activity of Pressure Groups"; and E. P. Herring, *Group Representation before Congress* (1929).

in numbers. It cannot rely upon political methods which would be appropriate to a great body of workingmen like the American Federation of Labor or to a great body of farmers like the American Farm Bureau Federation. It cannot appeal openly to class consciousness. It would fare badly indeed if class were arrayed against class at the polls. Its strength lies in other directions. Mere numbers may be offset by intelligence, by unity of aim, by effective organization, and by control of the instruments which mold public opinion. That wealth, and the intelligence which so often goes with wealth, should control these instruments must not be attributed to sinister motives or regarded as involving necessarily a peril to the social welfare. But there is always, perhaps, a tendency to fight numbers with corruption; and corruption in politics, while common to all ages and all peoples,²⁹ is likely to be more prevalent when economic power rests in the hands of the few and political power in the hands of the many. Big business has often written party platforms in America and paid handsomely for the privilege. It has often bought legislation.

Their
efforts to
conciliate
the public

Times and manners have changed. To-day politics is somewhat less corrupt than it was in the previous generation—or else corrupt in a less crude and obvious form. Capitalists have found that their interests can best be served by conciliating and instructing public opinion, by laying before the people the facts and arguments that support their claims, by combating hostile and prejudiced propaganda. Corporations employ publicity men or press agents, nowadays often styled “public relations counsel.”³⁰ While eager to cultivate the good will of the electorate, business is more immediately interested in the attitude of Congress towards such matters as the currency, taxation, and interstate commerce, and in the growing tendency of Congress to impose legal regulation. There is so much at stake that communication with the Capitol, instead of being improvised to meet occasional emergencies, must be continuous and systematic. An effective lobby serves this need. The more important branches of industry and commerce, therefore, have devised methods

²⁹ “It is advisable to realize that political life nearly everywhere is, and always has been, more or less tainted. . . . The truth is that the taint set in as soon as men began to achieve by wit what in a more primitive state they had won by the sword: in other words, as soon as politics was born.” Joseph McCabe, *The Taint in Politics* (1920), p. 26.

³⁰ How highly developed their technique has become is shown by Edward L. Bernays in *Crystallizing Public Opinion* (1928).

of laying their point of view before Congress and before the people, the masters of Congress. The Chamber of Commerce of the United States serves the interests of employers throughout the country.³¹

The Chamber of Commerce includes within its membership 1,600 federated business organizations.³² Each federated body, irrespective of size, sends one delegate to the annual meeting of the council, thus sharing in the formulation of policy and in the election of the board of directors.³³ The primary function of the National Chamber "is to obtain the matured judgment of business upon national questions, and to present and interpret those views to the agencies of government and to the public. In this the Chamber is not autocratic. It serves, rather, as the agency through which the opinion of business is canvassed and is given point and emphasis. It speaks the business language in relation to national policies of essential concern to business. Of recognized importance to its membership likewise is the National Chamber's research and information service. This is the province of the departmental organization. Its expert staff is occupied throughout the year in study and research. The results of these activities are broadcast to the membership in bulletins, surveys and summaries. These data—authoritative literature of business—are kept current by continued observation and revision."³⁴ The attitude of member organizations is made known by delegates at the annual meeting and by a system of referenda.³⁵ Moreover, six divisional offices are maintained³⁶ in order to bring the members into closer contact with headquarters at Washington and to facilitate the expres-

Illustration: the Chamber of Commerce

³¹ See the Chamber's *Men at Work* (1941), *Policies* (1941), and annual reports. Childs, *Labor and Capital in National Politics* (1930), is still useful.

³² "With an underlying membership of more than 600,000" (*Men at Work*, 1941, p. 1). The annual income exceeds a million dollars. It is derived mainly, not from the federated chambers of commerce and trade associations, but from about ten thousand individual members.

³³ The board of directors consists of 36 persons elected at the annual meeting (18 each year for two-year terms), 8 ex officio, 5 past presidents, and 6 directors at large, chosen by the board itself. *The Chamber of Commerce: Its Organization, Functions, and Services* (1935), p. 12.

³⁴ *Ibid.*, p. 4.

³⁵ The voting strength of each organization varies with the size of its membership: one vote for the first twenty-five members, one vote for each two hundred in excess, and a maximum of ten votes. *Ibid.*, p. 7.

³⁶ At New York, Atlanta, Chicago, Dallas, Minneapolis, and San Francisco. *Men at Work* (1941), pp. 37-38.

sion of their views by local bodies. The Chamber also publishes seven periodicals, among them the monthly *Nation's Business*, with a circulation of over 300,000, and the fortnightly *Washington Review*.³⁷

Its tactics

The Chamber of Commerce differs from other business associations in the fact that it does not promote specific legislative measures. It does give counsel and exercise a good deal of influence in the shaping of policies. But it is interested chiefly in discovering the opinion of its members on current issues and in making that opinion widely known. When a referendum occurs, arguments on both sides of the question are submitted. "The result of the vote is tabulated, and a record showing how each member voted, together with the statement and argument of the case as presented, is given to the governmental officials, Senators, Congressmen, and to the public. There it rests; no buttonholing of legislators is engaged in; no pressure is brought to bear. Representatives of government can take it or leave it; each is free to assay its worth. Thus the position of the National Chamber is determined—by the vote of its constituent members. The fact, however, that the National Chamber is put on record in respect to a given proposition does not bind members who voted in the minority to support the majority opinion. The National Chamber attempts no coercion of opinion or action of any constituent member."³⁸



WORKING-CLASS GROUPS

The American Federation of Labor

Among organized wage-earners the American Federation of Labor held, till 1937, a place of easy preëminence.³⁹ It was so influential that it sometimes assumed the right to speak for the working class as a whole. From the time of its formation in 1886,⁴⁰ its dues-paying membership showed an impressive growth, reaching 350,000 at the close of the century and moving forward to 1,500,000 in 1910 and to 4,000,000 in 1920. Within the next half dozen years the number diminished by 1,200,000; and it stood at little over 3,000,000 in 1935, before schism still further reduced the ranks by almost a third. Aside

³⁷ The *List of Publications* (18 pp., 1941) gives several hundred titles under 35 subjects. For most pamphlets no charge is made.

³⁸ *The Chamber of Commerce*, etc., p. 8. A useful commentary is R. J. Swenson's "The Chamber of Commerce and the New Deal," *Annals of the American Academy*, Vol. CLXXIX (1935), pp. 136-143.

³⁹ L. L. Lorwin, *The American Federation of Labor: History, Policies and Prospects* (1933); H. L. Childs, *Labor and Capital in National Politics* (1930).

⁴⁰ Officially the Federation dates its origin from 1881, when ninety-five trade unions were federated on a national scale.

from political parties, the Federation was the most formidable organized group in the country. Nevertheless, unlike the Trades Union Congress of Great Britain, it embraced only a small fraction of the working class, a mere 8 per cent,⁴¹ as John L. Lewis impressed upon the convention of 1935 when urging a change of policy.

Craft and industrial unions

This phenomenon can easily be explained. Learning from the misfortunes of earlier associations which, like the Knights of Labor,⁴² appealed to class-consciousness and enrolled workers of all grades, it rested squarely upon the unions of skilled craftsmen, the aristocracy of labor. The craft union is based upon the tool used (hod, trowel) or on the specialized function performed (that of the carpenter or plumber); the industrial union, upon the product (transportation, aluminum). The 500,000 members of the United Mine Workers include all who work in and about the mines; not only the coal diggers, who greatly preponderate, but also machinists, carpenters, electricians, and blacksmiths. Why does the craftsman so often oppose the formation of industrial unions? For one thing, it injures existing craft unions by taking over their members. Again, industrial unions have always shown a tendency to collapse, after winning conspicuous, but momentary, triumphs.⁴³ There is also the fear that collective bargaining, under such auspices, would soon reduce the differential in wages between the skilled and unskilled.

Effect of mass-production on unions

On the other hand, organization by industries brings a great gain in bargaining power. Workers face employers on parallel lines and thus escape the danger of being divided into isolated bodies and beaten in detail. As Lewis Stark points out,⁴⁴ the craftsman is losing importance in modern industry. "New inventions, new technic, introduction of the automatic machine and of the assembly line have served to break down skills, to reduce skilled workers to the status of semi-skilled or unskilled men. Machine tenders have multiplied in the place of skilled craftsmen. Especially is this held true in those

⁴¹ Only 13 per cent in 1920, when the membership exceeded 4,000,000. Mollie R. Carroll, *Labor and Politics* (1923), p. xi. Ten years earlier this percentage was less than 8. Selig Perlman, *A History of Trade Unionism in the United States* (1922), p. 163.

⁴² Founded in 1869, as a secret society, it sought not only to raise wages and lower hours, but to abolish the wage system and introduce a coöperative commonwealth. It reached the height of its power in 1886.

⁴³ Like Debs' American Railway Union, or the Western Federation of Miners, or the Industrial Workers of the World.

⁴⁴ New York *Times*, February 2, 1936. He also writes on the same topic in the *Times* of October 20, 1935.

industries which subdivide skill into so many fragments that each operative is merely entrusted with part of a repetitive process, such as the insertion of a bolt, the fastening of a nut, the twisting of a part or the throwing of a lever. . . . Many men in a large plant have alternate skills, performing one kind of work one hour or part of a day and another kind of work for another period. Under the craft idea, it is held, they would have to belong to two or more unions." The Federation, it should be said, does not include all organized crafts: several stand outside, chiefly the five railroad brotherhoods, with some 350,000 members. Nor does it exclude industrial unions. By 1932 at least fifteen had been chartered.⁴⁵ But there were obstacles to further progress in that direction. According to the constitution of the A.F. of L., for example, any affiliated union can veto the granting of a charter if the new body trespasses on its jurisdiction.⁴⁶ Take the case of the machinists who work in the automobile industry: whether organized or not, they come under the jurisdiction of a craft union. As a consequence, two so-called industrial unions, chartered in 1935, fell far short of being comprehensive in membership. An acrimonious dispute ensued.

Schism:
the
C.I.O.^{48a}

Events moved rapidly towards a schism. At the convention of 1935, the issue between craft and industrial unions led to bitter words and tumultuous scenes. The insistent demand for the integral organization of mass-production industries—steel, automobile, rubber, cement, etc.—was defeated by a vote of three to two.⁴⁷ This rebuff started John L. Lewis and the United Mine Workers on an adventure outside the authority of the Federation and in defiance of it. In November the Committee for Industrial Organization was formed. The United Mine Workers, though warned by President William Green that the Federation "cannot and will not tolerate the existence within it of a group which challenges its authority," refused to give way, even at the price of an open breach, and authorized their officers to withhold payment of dues to the Federation.⁴⁸ Numerically and financially, they felt strong enough to maintain their independence. Indeed, the Federation itself recoiled from immediate warfare, since ten of its unions and almost a third of its members had formed the C.I.O. In September, 1936, the executive coun-

⁴⁵ A. E. Suffern, "Craft vs. Industrial Unions," *Current History*, Vol. XLIV (1936), p. 97.

⁴⁶ *Constitution*, Article IX, Section 11 (*Proceedings*, 1940 convention, p. xxxi).

⁴⁷ *New York Times*, October 17, 1935.

⁴⁸ *Ibid.*, February 4, 1936.

^{48a} Herbert Harris, *Labor's Civil War* (1940).

cil suspended the ten dissident unions. But it did not take the drastic step of expelling them till 1938.⁴⁹

Meanwhile the C.I.O. had been busily engaged in organizing workers in various industries and conducting violent strikes. By the middle of 1937, it claimed to have enrolled 460,000 steel workers and 350,000 automobile workers.⁵⁰ By September, its dues-paying membership had risen to 3,700,000.⁵¹ At the same time, the membership of the A.F. of L. had increased considerably—to 3,270,000 in August and 3,440,000 in November, without including the ten dissident unions.⁵² Rent by schism, organized labor was, numerically, more than twice as strong as it had been when united. Seven million members instead of three! By October, 1938, the dues-paying membership of the Federation had increased to 3,623,087; and the secretary estimated that there were, in addition, more than 1,400,000 who, being unemployed, had been released from the payment of dues: a total of five million.⁵³ In August, 1940, the paid-up membership stood at 4,247,443.⁵⁴ For the C.I.O. an official report of November, 1938, gave the figure of 4,037,877;^{54a} and in April, 1941, President Murray claimed "about five million members."^{54b} The C.I.O. declines to be more specific. It has never shown its paid-up membership in a financial statement. In part, this enormous growth reflects the proselyting zeal of two rival bodies struggling for survival and ascendancy. Still more it came as the result of the New Deal policy and congressional legislation. The new procedures laid down for collective bargaining encouraged workers to organize everywhere. It remains to be seen whether industrial unionism, with such encouragement from Washington, will confound the prophecies of the craftsmen and, instead of disintegrating after a brief and stormy career, seize final leadership in the world of organized labor. The next decade will witness fateful readjust-

Progress of
C.I.O. and
A.F. of L.

⁴⁹ *Ibid.*, February 8, and May 3, 1938.

⁵⁰ *Ibid.*, June 27, 1937. And see J. R. Walsh, *C.I.O.: Industrial Unionism in Action* (1937); Also *CIO* (3rd ed., 1941), a short history issued by the C.I.O.

⁵¹ This figure was given to Frank R. Kent by the C.I.O. Los Angeles *Times*, September 24, 1937. A month earlier President Green of the A.F. of L. had ridiculed a C.I.O. claim of 3,000,000. New York *Times*, August 30, 1937.

⁵² *World Almanac*, 1938, p. 77.

⁵³ New York *Times*, October 3, 1938.

⁵⁴ *Proceedings* of the 1940 convention, p. 44. Six months later a membership of more than 4,747,000 was claimed. New York *Times*, February 15, 1941.

^{54a} *Ibid.*, November 14, 1938. William Green ridiculed this figure as a "paper total" that had been reached by "amazing inflation, stuffing and falsification."

^{54b} *CIO*, p. 54.

ments. There still remains the possibility of compromise and peace between the C.I.O. and the A.F. of L. Meanwhile the C.I.O. had perpetuated itself, in November, 1938, as the Congress of Industrial Organizations.⁵⁵

Tactics
of the
A.F. of L.

The controversy over methods of organization—craft or industrial unions—does not stand alone as a cause of discord in the ranks of labor. There is another perennial question: Shall organized labor confine itself to economic action, eschewing politics or at least remaining nonpartisan, or shall it follow the example of the British trade unions and set up a party of its own? The A.F. of L. has adhered steadfastly to the former course. It has relied upon collective bargaining—the negotiation of trade agreements with employers—and, as an ultimate recourse, upon the strike and boycott. These activities are supplemented by lobbying.⁵⁶ At Washington, for example, the three members of a legislative committee attend committee hearings and cultivate the good will of congressmen and officers of the administration. They do a good deal of trading with other groups, such as the American Legion or the Farm Bureau Federation, whose measures they support in return for similar coöperation. "The efficiency of lobbying," says Lorwin,⁵⁷ "is predicated on the capacity of the Federation to reward its friends and to punish its enemies (in primaries and elections)—and also on the assumption that individual Congressmen may be swayed by consideration for the righteousness of labor's cause, by motives of sympathy for the laboring man, or by conviction that the policies advanced by organized labor are in the interest of the entire nation. In all these connections the co-ordination of effort is of considerable importance."

Opposition
to forming
a labor
party

Under President Samuel Gompers for forty years and under President William Green since 1924, the Federation has looked askance at repeated proposals for the launching of a labor party. It has had good reason for such skepticism. The collapse of earlier political adventures on the part of organized labor does not encourage their repetition. Labor parties have been short-lived and ineffective. They have fallen under the control of theorists and faddists. They have tended to dissipate energies which should have been concentrated upon immediate economic interests and, still worse, to introduce elements of discord and imperil the solidarity of labor. Taken in the

⁵⁵ *New York Times*, November 16, 1938, *CIO* (1941), pp. 45-48.

⁵⁶ L. L. Lorwin, *The American Federation of Labor* (1933). Especially, pp. 271-295 and 417-420.

⁵⁷ *Ibid.*, p. 419.

mass, men are concerned primarily with their means of livelihood. Artisans think in terms of wages, hours, and working conditions, politics touching them only in a remote and occasional fashion. It has been demonstrated that they will hold firmly together in the effort to secure concrete economic advantage, but that their class-consciousness is not strong enough to command their devotion to the distant, intangible objective of a political program like that of the Socialist party. In politics, the workingman has shown himself in the past just as much attached to the party label as any average American. In a way, says Selig Perlman,⁵⁸ he considers it "an assertion of his social equality with any other group to take the same 'disinterested' and traditional view of political struggles as the rest"; and he can support one of the older parties with an easy conscience, since it will, if the situation looks dangerous, pose as the friend of labor, and make (at least on paper) the necessary concessions.

It is doubtful, then, if a labor party could confidently expect the support of the wage-earning class as a whole. Moreover, while direct economic pressure has shown itself such a powerful instrument in securing the material interests of that class, political action, especially under the American system of limited government and judicial control, could accomplish relatively little.⁵⁹ Even assuming that the results of political action would be commensurate with the effort involved and that the solidarity of labor could be relied upon, the crucial difficulty would still remain: where are the votes coming from that would give the labor party control of the government? The Federation and the C.I.O. (9,000,000 workers) might provide the nucleus. But the general public, clinging to the idea that party distinctions should proceed from differences of judgment on political issues and not from differences of economic interest, normally look with disfavor upon movements that intensify class antagonism.^{59a} A labor party, if its name is to signify anything, must rest more or less upon class-consciousness; and, in view of the concentration of trade-union strength within limited areas, it is utterly impossible for organized labor, acting by itself in politics, to force its will upon the community at large.

The only prospect of success lies in the combination of the city wage-earning class with the agrarian class—that is, in a farmer-labor

⁵⁸ *A History of Trade Unionism in the United States* (1922), p. 288.

⁵⁹ See on this point *ibid.*, pp. 285–286.

^{59a} Indeed, a Gallup poll showed in 1941 that 33 per cent of the public opposed trade unions generally, as against 24 in 1936. *Newsweek*, June 23, 1941.

or a
farmer-
labor
party

party. But why should the farmer unite with the proletarian? He is a capitalist (if he owns his farm) and an employer, even if he is at the same time a laborer himself. Persistent efforts by the Socialist party to bridge the gulf between farmer and proletarian, even to the point of diluting the principle of the collective ownership of land, have met with little success. According to the Socialist platform of 1920, there would be no interference "with the private possession of land actually used and cultivated by the occupants." The same position is maintained to-day. "The Socialist party will not take the farm away from the working farmers. On the contrary, we will protect every working farmer from foreclosure and every tenant farmer from eviction by ruthless landlords. This we will do by making title to the farm depend on its use for productive purposes by those who live on it."⁶⁰ The Farmer-Labor party, which was formed in 1920 and which professed near-socialist aims, found the farmer unresponsive. Its presidential candidate, Arthur Christensen, polled 265,000 votes out of a total of 26,700,000. At about the same time, the efforts of the Nonpartisan League, in various states of the Middle West, to fuse these discordant interests failed dismally.⁶¹ Walter Lippmann calls such efforts "sheer delusion."⁶² He points out that "when farmers go into politics they naturally seek to raise the cost of living and to make raw materials more expensive; and when labor goes into politics it naturally does things that makes more costly the

Farmers
not pro-
letarians

⁶⁰ *Socialist Handbook* (1937), p. 17. The passage continues: "Ultimately Socialists believe that large scale coöperatively owned farms will prove the ideal for agriculture from the point of view of efficiency and reduction in the long hours of farm work." But "we do not propose to force such a program upon unwilling working farmers." The farmer will desire to become a proletarian! See also *Proceedings* of the 1940 convention, p. 9.

⁶¹ Judge Andrew A. Bruce made this comment (*Non-Partisan League*, 1921, pp. 11-12): "The political union between the farmer and the laboring man is an impossible union and cannot long continue. The Non-Partisan party may destroy the middlemen. It may obtain a monopoly of the food supply in the Northwest. Every rise in the price of wheat, however, or in the price of food, raises the price which the laboring man pays. If the government regulates and reduces the prices of farm machinery, and other manufactured articles, it to that extent lowers the wages of the laboring man in the cities. . . . Clashes, in short, must come not merely between the landed interests and the business interests, but between the laboring man and the farmer himself. The farmer indeed should be the most conservative of men, for he owns the land. . . . There is nothing more illogical and absurd than the union in the Northwest of the Socialist and farmer forces."

⁶² *Los Angeles Times*, July 30, 1937.

things which the farmers buy. . . . The divergence of interest and outlook is very great between the city and the country. To think of founding a political party on their common interests is naive; for the real problem is to discover how statesmanship is to adjust and conciliate their conflicts of interest."

It is doubtless a similar conviction that has dictated the political policy of the American Federation of Labor. And yet the possibility of coöperation between the wage-earning class and the agrarian class—which Socialist and labor support of the La Follette third-party movement in 1924 emphasized again—has been demonstrated more than once in the past. In periods of low prices and low wages, the two classes have been drawn together by common antagonism to the capitalist. They have found an identity of grievances outweighing, *for the moment* at least, the conflict of their interests. The Greenback party, which had its chief strength among the farmers of the West, incorporated in its platform of 1880 comprehensive demands on behalf of labor; the Populists in 1892 declared that "the interests of rural and civic labor are the same: their enemies are identical." After all, the farmer, even though nominally the proprietor of the land he cultivates, often carries the burden of a heavy mortgage; and the growth of tenant-farming, a phenomenon of great significance to-day, removes one of the barriers to an accord between the farmer and the city artisan. The extent of tenancy varies enormously from section to section of the country. In 1935 it was greatest in Mississippi (69.8%) and Georgia (65.6%); and least in Massachusetts (6.2%) and Maine (6.9%).⁶³ In that year 42 per cent of all farms and 45 per cent of all farm lands were operated under lease. Taking the value of all farm real estate, we find that the equities of farm operators sank from 54 per cent in 1900 to 42 per cent in 1930.⁶⁴ The growth of tenancy seems to be continuous and gathering more momentum. Moreover, the agricultural policies of the New Deal have accustomed the farmer to regimentation and wardship; through the acceptance of subsidies and bureaucratic direction his old spirit of

Yet ceasing
to be
owners

⁶³ *A Survey of Farm Tenure* (Census report of March 19, 1937).

⁶⁴ Between 1880 and 1935 the number of farm tenants decreased by 30 per cent in the six New England states. In all other sections the increase was very large: in the seven central and north-central states almost 100 per cent; in the four west-central states, 600 per cent; in the five border states (Oklahoma omitted), over 100 per cent; in the ten states of the Solid South, 336 per cent; in the eight mountain states, 3,900 per cent; and in the three Pacific states over 600 per cent.

self-reliance has declined. Perhaps conditions have already changed so much that a farmer-labor party might meet with some measure of success.

Interest of
labor in
politics

At any rate, organized labor has shown, latterly, less inclination to abide by the traditional nonpartisanship of the A.F. of L. What has that traditional policy involved? In the nineties the annual convention, in spite of pressure by the Socialists, refused to formulate any comprehensive political program.⁶⁵ They went no further than to endorse certain reforms (such as workingmen's compensation) which could not be obtained by economic action and to provide for systematic pressure upon Congress by setting up a legislative committee. In 1896, when the Democratic party denounced capitalism and the money power and declared for free silver, an income tax, limitation of injunctions, and other measures that organized labor advocated, the Federation still adhered to its policy of aloofness from partisan politics. If its president, Samuel Gompers, and other prominent leaders gave assistance to Mr. Bryan, they did so in a private capacity. But circumstances gradually forced the Federation to reconsider its attitude. Not only was Congress strangely unresponsive to the demands of labor, but the federal courts intervened with injunctions in labor disputes, and in the Danbury Hatters case brought labor unions under the penalties of the Sherman Antitrust Act. "It thus came about," says Selig Perlman,⁶⁶ "that the Federation, which . . . by the very principles of its program wished to let government alone,—as it indeed expected little good of government,—was obliged to enter into competition with the employers for controlling government; this was because one branch of the government, namely the judicial one, would not let it alone." There was at this time no disposition to form a labor party. The Federation determined to use its numerical strength in a different way.

Nonparti-
sanship of
A.F. of L.

Early in 1906 it drew up a statement of legislative demands which was styled "Labor's Bill of Grievances"⁶⁷ and laid this before President Roosevelt and both houses of Congress. "Labor brings these—its grievances—to your attention," ran the plea, "because you are the representatives responsible for legislation and for failure of legisla-

⁶⁵ It is true that in 1893 the convention referred to the unions for consideration the famous "Plank Ten" which endorsed "the collective ownership by the people of all the means of production and distribution"; but next year the plank, when put to a vote, was rejected.

⁶⁶ *Op. cit.*, p. 202.

⁶⁷ Mollie Ray Carroll, *Labor and Politics* (1923), p. 45.

tion. . . . Labor now appeals to you, and we trust it may not be in vain. But if perchance you may not heed us, we shall appeal to the conscience and the support of our fellow-citizens.”⁶⁸ Congress ignored the “Bill of Grievances.” The Federation, therefore, fulfilling its threat, took an active part in the campaigns of 1906 and of later years. Its new plan was formulated in these words: “We will stand by our friends and administer a stinging rebuke to men or parties who are either indifferent, negligent or hostile; and, wherever opportunity affords, secure the election of intelligent, honest, earnest trade unionists, with unblemished, paid-up union cards in their possession.”⁶⁹ Six trade unionists were elected to the House in 1906, ten in 1908, and fifteen in 1910. The number of congressmen elected with Federation endorsement in 1924 was 170.⁷⁰ According to the practice of the Federation, a campaign committee (nonpartisan!) scrutinizes the attitude of all candidates for nomination on issues that affect labor and instructs local campaign committees to have trade unionists take part in the primaries of both parties and in the general election. “It is part of the task of the local committee,” says Lorwin,⁷¹ “to inform the public on the labor issues in the campaign, to obtain the support of farmers and other groups for the candidates approved by the Federation, and to collect funds. During the campaign, statements are issued and speeches made from time to time in behalf of or in opposition to one or another candidate.”

Having once become involved in politics, the Federation found it impossible to keep altogether clear of partisanship. In 1908 President Gompers submitted the demands of labor to the national conventions of the major parties. While the Republicans rejected them without much show of courtesy, the Democrats were more complaisant; and Gompers drew the attention of his followers to the superiority of the Democratic platform and to the desirability of supporting it.⁷² This course seemed to require some apology. He explained in the *American Federationist* that “in performing a solemn duty at this time in support of a political party, labor does not become partisan to a political party, but partisan to a principle.” In the three succeeding presidential elections similar developments occurred. The Federation seemed to be drifting in the wake of the Democratic

Support
of Demo-
cratic pres-
idential
candidates

⁶⁸ Report of the A.F. of L. convention (1906), p. 32.

⁶⁹ *Ibid.*, p. 33.

⁷⁰ *New York Times*, November 22, 1924.

⁷¹ *Op. cit.*, p. 421.

⁷² Robert Hunter, *Labor and Politics* (1915), p. 40; Perlman, *op. cit.*, p. 205.

party.⁷³ But on August 2, 1924, the executive council gave Robert M. La Follette and Burton K. Wheeler, independent candidates for President and Vice-President respectively, "personal and nonpartisan" endorsement. The outcome of the election brought the Federation back to its earlier practice. On no other occasion has support been pledged so definitely. The council resisted strong pressure for the endorsement of Smith in 1928. Even in 1936, when Roosevelt was favored by an overwhelming sentiment among organized workers, the policy of nonpartisanship was not abandoned formally.

New demand for labor party

The formation of a labor party was urged at the convention of 1935 more insistently than at any time in the past. Political developments in Great Britain were heartening. Had not the Labor party, in spite of its youth, supplanted the Liberals and taken over the government in 1924 and 1929? In our own country the restlessness of the voters, their growing dissatisfaction with the major parties, the apparent ease with which they could be detached from life-long associations—in a word, the decay of orthodox political creeds had at last given labor its opportunity. Moreover, nonpartisanship had been barren of positive results.⁷⁴ The workers, refusing to obey instructions, voted as they chose; and shrewd party leaders, when framing a platform, knew well enough that President Green did not control three million votes. But organized labor would support a party of its own. Spontaneous movements in various parts of the

⁷³ Gompers wrote in August, 1920: "It will be noted that in this issue of the *American Federationist* the platform planks on labor's proposals are published as they appear in the Democratic and Republican platforms, together with the comment of labor thereon. The intelligence of the American people will lead them to determine which platform more nearly conforms to their desires and which expresses more nearly their ideals and aspirations toward freedom, justice and democracy. The forces of greed and plunder, the profiteers and the autocrats of our political and industrial life leave no doubt as to what they desire and where they will mass their support. The challenge of these forces to the citizenship of the nation is brazen and blunt. That the right-thinking men and women of our Republic can afford to allow this challenge to reap a harvest of political power in the coming election is unthinkable. More than in any political contest since the days of the civil war the issue is clearly drawn between reaction and progress."

⁷⁴ "As a matter of fact," says Lorwin (*op. cit.*, p. 423), "the non-partisan method inevitably divides the workers at the polls. In the campaign of 1932 each political party had a labor bureau managed by a prominent union official. Members of the Executive Council of the Federation were out campaigning for opposing presidential candidates, and intensely partisan statements on the labor record of the two major parties appeared over the signatures of officials pledged to non-partisanship."

country showed that the time was ripe for action on a national scale. If the convention refused to act, the initiative would pass to other hands. Such was the argument.

The convention did refuse. It would not even instruct the executive council to "study the subject of independent labor political action."⁷⁵ Soon afterwards, however, the secession of the industrial unionists began; and, although the C.I.O. backed the candidacy of President Roosevelt and therefore had, for the moment, no reason to organize a new national party, it did set up Labor's Nonpartisan League. In New York an American Labor party appeared, as an affiliate of the League. It developed little strength outside of the city of New York. For example, 83 per cent of its vote for Roosevelt in 1936, and 75 per cent in 1940, were cast within the city.⁷⁶ For a new party this was a respectable showing; but it could scarcely raise hopes of an approach to the status of the Farmer-Labor party of Minnesota. The prospects of the party were dimmed by the growing breach between the Federation and the C.I.O. In January, 1938, President Green denounced Labor's Nonpartisan League as "a ventriloquist's dummy for C.I.O. leaders" and urged all affiliates of the A.F. of L. to sever relations with it.

Action
taken
by C.I.O.

⁷⁵ *Proceedings* of the 1935 convention, p. 759. See also A. E. Suffern, "Brewing a Labor Party," *Current History*, Vol. XLIV (1936), p. 37. The conventions of 1936 and 1937 reaffirmed former declarations of nonpartisanship. *Non-Partisan Declarations* (A.F. of L. pamphlet, 1940).

⁷⁶ And 80 per cent of its vote for Lehman as governor in 1938. Its greatest strength was reached in 1937, when it gave Mayor LaGuardia 481,790 votes or over a fifth of the aggregate votes for all candidates. Its state-wide vote in 1940 constituted less than 7 per cent of the total. But progress is being made with up-state organization. Early in its fourth year the party condemned its left-wing adherents when—in October, 1939—a strong anticommunist resolution was adopted. According to *The 1941 Statement of Policy*, "Our own successful effort to expose and rout out Communists, who, under cover, infiltrated our membership, will go on with the same resolution and determination as heretofore. We are aware that the policy of all-out aid to the democracies involves the risk of war. But we are convinced that this policy is the wisest course for this nation to pursue in the present crisis." In New York City, after the primary of September, 1941, the left wing controlled the party organization in three of the five boroughs. In November the party gave LaGuardia 434,297 votes.

Chapter VII

AGRARIAN PRESSURE GROUPS

Manifestations of agrarian class-consciousness

In the past seventy years, the farmers, particularly in the Middle West, have developed a marked class-consciousness and a capacity to organize for the purpose of advancing their special interests economically and politically.¹ The "agrarian crusade" has been intermittent, manifesting formidable strength for a time, then apparently collapsing in discouragement and defeat, only to reappear in some new form with a still more aggressive spirit and that firmer grasp of realities which experience provides. "Western agricultural irruptions," says Walter Locke,² "have not in fact been short-lived; they have been cat-lived. Granger, Populist, Progressive-Republican, co-operator, Nonpartisan Leaguer, bloc builder—one dies and up pops another. It is enough to make a man superstitious to see two heads grow on the creature for every one cut off."

The Granger movement

The class impulse first manifested itself on a grand scale in the National Grange of the Patrons of Husbandry. This secret fraternal order, with a ritual resembling that of the Masons, was founded in 1867. It built up a membership of a million or so in the hard times that followed the panic of 1873, and almost as rapidly declined.³ While stressing social and educational objects, the Granger movement also sought to improve the economic circumstances of the farmer by displacing middlemen and securing state regulation of the railroads. Indeed, it was the failure of ambitious cooperative enterprises, as well as the depression of 1893, that arrested the progress of the Grange and drastically reduced its membership. Since that time recovery has been fairly continuous. With a membership that now stands, by official figures, at about 641,000,⁴ the National Grange has

¹ S. J. Buck, *The Agrarian Crusade* (1921).

² "The Prairie Octopus," *Nation*, Vol. CXIV (1922), p. 393.

³ Orville M. Kile, *The Farm Bureau Movement* (1921), p. 23.

⁴ Current pamphlets give 800,000. The membership includes children over 14 and women as well as men; and children between the ages of 5 and 14 are organized in Juvenile Granges. There are 37 state Granges; 8,000 local or "sub-ordinate" Granges, of which 3,600 own halls, valued at more than \$25,000,000.

been able to exert a good deal of influence over Congress. New York has the largest state Grange.⁵ One of its chief purposes is to disseminate information, this being done by means of pamphlets, bulletins of the lecturers' association, and the *National Grange Monthly* in which it controls three pages. Each year, some 30,000 meetings are held in 600 Grange halls throughout the state. "The Grange stands next to the church and the school as the most important spiritual force in the community," says Belle Zeller.⁶ "Under the guidance of official Grange Chaplains, meetings are opened and closed with prayer. Special Sundays are set aside annually as 'go-to-church' days." The Grange carries nonpartisanship further than does the A.F. of L. It gives no formal endorsement to any candidate. It is always active, however, in promoting legislation. As for New York, projects are discussed in each of the 900 "subordinate" or local granges, referred to the annual meeting of the state Grange in December, and at last, if approved, brought before the legislature when its session opens in January. The legislative program of the National Grange, for 1941 (its diamond-jubilee year), embraces a great variety of subjects.⁷

The Grange "has helped to secure for rural America," says the *Blue Book* (p. 20), "numberless specific benefits, such as fairer taxation and tariff policies, lower freight rates, rural delivery of mail, parcel post, better roads, schools, and better marketing facilities. It has constantly fought intemperance, intolerance, monopoly, public extravagance, graft and dishonesty and has championed the cause of good government everywhere. It has taken the lead in uniting the farmers in co-operative undertakings, shipping associations, selling groups, etc., and has saved the farmers millions of dollars by maintaining fire, hail, tornado, casualty, and automobile insurance companies—yet these are only sidelines to its educational, social, and fraternal activities. It has enriched community life and has been a godsend to thousands of women in rural communities because of its inspiring, neighborly, community meetings."

⁵ With a membership of 131,000 in 1940. Its activities are described by Belle Zeller, *Pressure Politics in New York* (1937), pp. 91-99.

⁶ *Op. cit.*, p. 95.

⁷ Most of the subjects are of peculiar interest to farmers; for example: a permanent farm policy (based on voluntary coöperation and the preservation of family-size farms), rural credits, relief of farm tenancy, eradication of noxious weeds, a child-labor amendment restricted to children under sixteen who work for hire in industries affecting interstate commerce, protection against foot-and-mouth disease coming from Argentina. But the Grange also opposes lotteries and gambling, the advertising of liquors, statehood for Hawaii. It advocates the maintenance of the Constitution (including states' rights), the registration of aliens, taking the profit out of war, world peace (with adequate national defence). The Grange publishes numerous pamphlets.

The
Greenback
and Popu-
list move-
ments

During the last quarter of the nineteenth century the farmers engaged in an abortive political adventure. They were drawn into the Greenback party (1876-1884), which recommended a plentiful supply of paper money as a means of relieving agricultural distress.⁸ Meanwhile, a new organization, the Farmers' Alliance, came into prominence.⁹ Its phenomenal growth may be attributed to the economic grievances of the farmers who, burdened with mortgages, were receiving low prices for their products, and who looked to the government for relief from the exactions of the railroads and the Eastern financiers. Political remedies were demanded for economic ills. In its platform of 1892 the Populist party, growing out of the Farmers' Alliance, denounced capitalist exploitation. "The fruits of the toil of millions are boldly stolen to build up colossal fortunes for the few, unprecedented in the history of mankind; and the possessors of these, in turn, despise the republic and endanger liberty. From the same prolific womb of governmental injustice we breed the two great classes of tramps and millionaires." In its first national campaign the popular vote of this party, appealing alike to the farmer and city wage-earner, was over a million; the electoral vote, 22. In the election of 1896 it fused with the Democrats, who adopted Populist principles and made the free coinage of silver the paramount issue. The subsequent decay of Populism¹⁰ reflected the return of agricultural prosperity. In the years preceding the Great War, the farmers were by no means oblivious to the advantages of combination. They restored to vigorous life old associations that covered collectively the whole range of agricultural activities. There was a remarkable development of coöperative societies. In politics, it is true, the farmers launched no new movement of their own. For the time being, as Democrats and Republicans, they were absorbed in the "insurgent" or "progressive" effort to dominate the old parties. But soon again class interests obtruded. The appearance of the Non-partisan League in 1915 and of the "Farm Bloc" six years later marked a new phase of the agrarian crusade. The organization and

⁸ The popular vote of this party was 81,737 in 1876; 308,578 in 1880; 175,370 in 1884. In 1888 the Union Labor party, which appealed in the same way to the farmers, received 146,935 votes.

⁹ There were really two separate organizations, one in the South, the other in the North. The Farmers' Union of to-day, founded in 1902, was to a considerable extent built upon the ruins of the Farmers' Alliance. Kile, *op. cit.*, p. 30.

¹⁰ The party disappeared after the election of 1908, when its presidential candidate received only 28,000 votes, considerably over half of them in his home state of Georgia.

activities of the League throw light upon so many problems of American politics that a somewhat detailed account of them is desirable.

THE NONPARTISAN LEAGUE

Although it became active in a dozen other states, the Nonpartisan League originated in North Dakota and developed its effective strength there.¹¹ It did not reflect the exasperation of a depressed and impoverished class, as did the movements of the 'seventies and 'eighties. North Dakota ranked third among the states in per capita wealth. The farmers owned their farms;¹² and in 1915, when Arthur C. Townley began to organize the League, agriculture enjoyed an unusual prosperity. The spirit of discontent had its rise among men whose material well-being made them impatient of obstacles that impeded their progress and stood in the way of complete emancipation. Concerned particularly with the problem of marketing their crops, they resented the heavy toll levied by the middlemen and the domination of the market by the milling, financial, and railroad interests centered around Minneapolis. Their grievances, even though greatly exaggerated, were supported by evidence of unfair practices and manipulation.¹³ State legislation gave no relief. When the constitution was amended, by popular vote, to provide for the erection of terminal grain elevators both outside and inside the state, "the old political gangsters in North Dakota treated the ballot-box as a joke. . . . They, together with the corporate interests, taking extortionate profits and excessive interest rates, that is, all they could get, and giving the people as little as possible in return, caused the farm-

Townley
in North
Dakota

¹¹ Two books present the history of the League in a favorable light: Herbert E. Gaston, *The Nonpartisan League* (1920); and Charles Edward Russell, *The Story of the Nonpartisan League* (1920). Both writers were associated with the League in its early days. Two other books are frankly hostile: Andrew A. Bruce, *Non-Partisan League* (1921); and William Langer, *The Non-Partisan League* (1920). Bruce was formerly a judge of the supreme court of North Dakota; Langer was twice elected attorney-general through the support of the League, which, after quarrel and reconciliation, made him governor in 1932.

¹² The percentage of tenant-farmers in 1910 was 14.3 as against 21 in Minnesota, 24.8 in South Dakota, 37.8 in Iowa, 36.8 in Kansas. But two-thirds of the farms of North Dakota were mortgaged.

¹³ See the analysis of conditions given in the earlier chapters of the four works cited above, especially Bruce, Chaps. III-VI, and Russell, Chaps. II-X. "There seems to be no question about the flagrant injustice and actual thievery practised by the large and firmly established interests." Orville M. Kile, *The Farm Bureau Movement* (1921), p. 236.

ers to revolt.”¹⁴ It was under these circumstances of economic and political discontent that Townley conceived the idea of the League. He named himself president and formulated a succinct program which met the chief complaints of the farmer:¹⁵ “State ownership of terminal elevators, flour mills, packing houses and cold storage plants; state inspection of grain and grain dockage;¹⁶ exemption of farm improvements from taxation; state hail insurance on the acreage basis; rural credit banks operated at cost.”

Resources
of the
Nonparti-
san League

It was not so much the program, perhaps, as Townley's qualities of leadership and his ingenious methods of organization that brought such substantial results. The methods were businesslike. To be effective, the League needed large financial resources; and Townley realized that, if the farmers could be persuaded to pay a considerable sum for the privilege of membership, as trade unionists do, they would have a more immediate and personal concern in the success of the undertaking. After some variations, the dues were fixed at eighteen dollars for a period of two years, corresponding to the term of the state legislature. “Never indeed in the history of the country,” says Bruce,¹⁷ “have such gigantic sums of money been at the disposal of or used by any political party or faction and though the opposition is claimed to represent ‘Big Biz’ the money at the disposal of its candidates has been pitifully inadequate for the conflict. . . . No doubt the idea of a paid membership was borrowed from the Socialists. It furnished from the very beginning an enormous campaign fund for the payment of organizers. It made it possible to start a farmers' newspaper and employ writers and cartoonists of marked ability, though perhaps not always of the highest veracity or of the highest sense of civic obligation. It made it possible to hire and to rent scores of automobiles and to make the automobile an effective campaign agent. It made it possible to purchase aëroplanes and to make of Townley a modern Elijah, who would fly from place to place, and from state to state, and become a messenger from the skies. This device not only made the prophet ubiquitous but it drew enormous audiences and saved advertising and hall rent.” Members were recruited by a staff of “organizers,” selected and trained by

¹⁴ Langer, *op. cit.*, pp. 13, 16.

¹⁵ Gaston, *op. cit.*, p. 60.

¹⁶ There were abuses in the grading of grain and in making deductions (dockage) for impurities and foreign substances. Russell, *op. cit.*, Chap. III, pp. 34-63.

¹⁷ *Op. cit.*, pp. 71, 74 *et seq.*

Townley, who received a liberal commission of four dollars for each member.¹⁸ By the middle of 1916, nearly 40,000 farmers had joined the League; by the end of 1918, about 200,000.¹⁹ All received the sixteen-page weekly organ of the League, the *Nonpartisan Leader*,²⁰ which, in view of the general hostility of the press, was an essential instrument of propaganda.

The League was designed as a fighting organization which must move swiftly and strike hard. It must have unity of purpose, decision of command. From the first, therefore, autocratic power was lodged in Townley's hands. There was no way in which enemies could break into the League, dominate its councils, and divert it from its original purpose. The advantage of protected leadership became apparent when disaffected elements sought to gain control. "An ex-bishop of the League," wrote Justice James Robinson in 1918,²¹ "who is opposed to all forms of autocracy, has just written for the Saint Paul *Dispatch* several letters. He concludes by calling on the farmers to assume control of the League and at once to throw off the burden of the autocrat and his machine. He thinks the best way to remedy the defects of the League is to cut off its head, though he does in no way attempt to show how it may be done. If the ex-bishop has a capacity for leadership, the formation of leagues and the advancement of civic reforms, he is free to organize a model league of his own and to show how it can be run without any form of autocracy. In the formation of leagues Townley has no patent right."

This expressed the logic of the situation. When the newspapers kept asking what was being done with the farmers' money, how the accounts were being audited, and who had elected Townley president, Townley made a very effective reply. Speaking of the small group that had formed the League, he said:²² "So we took a piece of paper and wrote the League program on it; and wrote the names

Townley's
leadership

His justi-
fication
of it

¹⁸ Or \$3.50 if the dues were paid by means of post-dated checks (Bruce, p. 72). Post-dated checks were accepted (and used as collateral for loans) because the farmers do business on credit until the marketing of the crops.

¹⁹ Gaston, *op. cit.*, 237-238. "North Dakota and Minnesota together accounted for nearly half the number, South Dakota and Montana made up almost half of the remainder, with Nebraska, Idaho, and Colorado next in line."

²⁰ Known as the *National Leader* from November 14, 1921, to distinguish it from the League organs published in seven states. It became very soon a monthly publication.

²¹ Bruce, *op. cit.*, note p. 78.

²² Gaston, *op. cit.*, pp. 87-88.

of the committee up at the top; and because I had the idea they named me as chairman of the committee and wrote my name on there as president. And then when we went to the farmers we showed them these names and said the League would be carried on under the direction of this committee. And there was a clause there that said in so many words that the management of the funds was to be in the hands of that committee. And this fellow and this fellow (pointing to men in the audience) and everyone that joined the League read the program and those names and signed up and paid his money. And I have got a kind of foolish idea that all of those who signed that paper voted for me at that time. I don't know anyone that voted against me. And we got the names of 40,000 farmers, in their own handwriting on this paper, subscribing to this program and to those men to carry out that program. I think that was a pretty fair election. About as good as we could accomplish at that time, with the machinery that we had. Of course, it might have been better to have 4,000 or 5,000 farmers to come down to Grand Forks and hold a convention; but we could not have convinced them at that time that they ought to come. I will tell you who would have been there if we had tried to do that. There would have been about half a dozen corporation lawyers, and a newspaper man or two. But you farmers would not have come. We had to show you first that something should be done before you would come. Now that is how I came to be president of the committee." When, in December, 1918, a delegate convention adopted articles of association for the League, the autocratic principle was fully maintained.²³ But a year later, apparently as a concession in the face of ominous symptoms of revolt, the centralized control was somewhat relaxed and county organizations given a large measure of autonomy. In political activities the farmers were encouraged from the first to participate freely.

His program and tactics

The Nonpartisan League, while seeking to accomplish its objects by domination of the state government, did not take the form of a third party. The direct primary offered a more convenient solution. If the League could get possession of the Republican party in North Dakota, it would thereby get possession of the government as well; for the state was overwhelmingly Republican. Early in 1916, therefore, the members of the League held precinct caucuses throughout the state, electing delegates to legislative district conventions which

²³ Gaston, pp. 315-316. For the text of the articles of association, see Bruce, pp. 79-83.

in turn sent delegates to a state convention. Chosen in this way, the League candidates were then placed on the Republican primary ballot by petition. In the primary election the League triumphed, even to the point of capturing the Republican state committee and writing the Republican platform. It did not gain complete control of the state government until 1918, however, as half the members of the senate held over. Then, the way having been cleared by the adoption of ten constitutional amendments, the legislature proceeded to enact the Townley program. The bills were drafted by League attorneys and whipped into final shape by a legislative caucus.²⁴ The principal measures provided for an industrial commission to supervise state-owned industries;²⁵ a Bank of North Dakota, which was to be the sole depository of public funds; state-owned grain warehouses, elevators, and flour mills, supported by a bond issue; hail insurance; exemption of farm improvements from taxation; regulation of railroad freight rates; a graduated income tax; and a number of concessions to wage earners. This elaborate scheme of legislation met with bitter denunciation as a first instalment of state socialism and as a menace to American principles of government. Andrew Bruce, who a little earlier had been chief justice of the supreme court, came to regard the League as an entering wedge for a communistic America.²⁶ But, although Townley and his intimate advisers were socialists,²⁷ the Socialist party emphatically repudiated the League at the St. Louis convention of 1917.²⁸

Meanwhile, the League had extended its field of operations. In January, 1917, national headquarters were opened in St. Paul, where Townley was soon directing a force of five hundred organizers and

²⁴ "The caucus was in fact an efficient school in legislation. In it the failures in tactics of the day in house or in senate were discussed; members, free of the restraint of the legislative chamber and the presence of hostile critics, spoke their minds before their brother farmers and differences of opinion were 'ironed out.' The sessions were held nightly in the assembly hall of the Northwest Hotel. . . . Whatever may have been the justice of the criticisms, it is certain that these caucus sessions promoted a feeling of comradeship among the League legislators and state officers, developed at a rapid rate their understanding of legislative affairs and disarmed the plans of the opposition to confuse and divide them." Gaston, pp. 133-134.

²⁵ The commission consisted of three members: the governor, attorney-general, and commissioner of agriculture and labor.

²⁶ *Op. cit.*, p. 5.

²⁷ See Bruce, Chapter VII, and Langer, Chapter III.

²⁸ See the *Political Guide for the Workers*, issued by the party in 1920, p. 83.

Establish-
ment of
the League
in other
states

spreading the propaganda in a dozen states.²⁹ Progress was not so rapid as in North Dakota, for not only were local conditions everywhere less favorable, but the dynamic genius of Townley lost some of its potency when distributed over an enormous and scattered area. The League pursued the same tactics as in North Dakota. Thus in Minnesota and Wisconsin it invaded the primaries of the dominant Republican party; in Colorado and Montana, the primaries of the Democratic party. But Montana Democrats, in 1920, refused to support the League-made candidates and the League-made platform. "I wish it to be made quite plain that I am a Democrat," said Senator Henry L. Myers.³⁰ "I stand, as I have always done, in the Democratic party, believing in its principles. But the state and congressional nominees are not Democrats. . . . Every good citizen, regardless of party, should oppose the men who are masquerading as Democrats, but are actually a hybrid combination of radicals and revolutionists." That year the Republicans won both Colorado and Montana. In Minnesota, where the farmers did not constitute a majority of the electorate, the League was outvoted in the Republican primaries of 1918 and 1920. It then changed methods and, joining forces with the organized city workers, launched the Farmer-Labor party (which must not be confused with the national party of the same name).³¹ The new organization seems to have drawn the support of many Democrats. In 1922, while its state ticket lost by a narrow margin,³² it elected a United States Senator (Hendrik Shipstead), as it did again in 1923 (Magnus Johnson).³³ In South Dakota, the only other state in which the League functioned through a party of its own, the results were less encouraging;³⁴ but there,

²⁹ Minnesota, South Dakota, Montana, Idaho, Washington, Colorado, Nebraska, Iowa, Oklahoma, Kansas, Texas, Wisconsin. The order in which these states are given represents the progress of the League.

³⁰ New York *Times*, Sept. 28, 1920.

³¹ In 1921 the Minnesota legislature amended the direct primary law in such a way as to make a repetition of the League tactics difficult. The efforts of the Montana legislature, first to restore the convention system and then to modify the primary law, were defeated by a referendum vote in 1920.

³² The vote for governor in 1922 was: Preus (Republican), 309,748; Johnson (Farmer-Labor), 295,448; Indrehaus (Democrat), 79,899. In March, 1924, the League in Minnesota dissolved, joining forces with the Farmer-Labor Federation.

³³ In 1924 Johnson was defeated by the Republican candidate, Schall.

³⁴ In 1918 and 1920 the League vote exceeded, in 1922 it fell behind, the Democratic vote, but in neither case did it seriously threaten Republican ascendancy.

as in Minnesota, the Republicans accommodated themselves to the new situation and, in order to retain some hold on the farmers, imparted a radical tone to their platforms.³⁵

Soon after the League had gained full possession of the government of North Dakota and written its program into the constitution and statute-book, opposition consolidated in the Independent Voters' Association. The attack was levelled, not against the original program of the League, but against mismanagement, extravagance, and the autocracy of Townley. It was said that the state government had become the mere appanage of the League; that the state officers were in all important matters subject to the will of Boss Townley; and that the supreme court had been packed with subservient judges. "At all times," says Judge Bruce,³⁶ "the League had held the threat of opposition at the polls over the head of the elective judiciary. They have executed the threat whenever it appeared to them to be necessary. . . . We can nowhere find any parallel to the judicial travesty that now prevails in the state of North Dakota." The League had lost prestige in the controversy over the affairs of the Scandinavian-American Bank at Fargo, which was finally forced to close its doors early in 1921, and of the Bank of North Dakota, which at the same time was shown to be actually insolvent.³⁷ The new state enterprises, while not fulfilling optimistic expectations at the outset, placed a heavy burden upon the tax-payer. Thus the state tax rose from \$1,772,622 in 1918 to \$3,742,616 in 1919. With the collapse of wheat prices in 1920, the failure of numerous banks, and the foreclosure of mortgages the farmers were inclined to be critical of extravagance.

The most serious aspect of the situation was the refusal of Eastern bankers to take six million dollars' worth of bonds that had been issued to finance state institutions. "There were several reasons for the refusal," says Bruce.³⁸ "Undoubtedly one was a desire to bring the state to its economic senses; another was a fear of excessive taxation; and still another, and perhaps the most important reason, was the growing lack of confidence in the Nonpartisan supreme court."

³⁵ The Minnesota legislature of 1921 curbed speculative trading in grain futures, opened grain exchanges to coöperative societies, extended the scope of coöperative marketing associations, and passed various other measures in the interest of the farmer.

³⁶ *Op. cit.*, pp. 169, 184.

³⁷ Bruce, *op. cit.*, pp. 185-189 and 235-236; Langer, *op. cit.*, pp. 88-106.

³⁸ Note, p. 227.

The Independent Voters' Association, gathering together all the elements of dissatisfaction and making an aggressive fight in the primaries of 1920, got control of two state offices and of the lower house.³⁹ The following year, in a recall election, Governor Frazier (serving his third term), the attorney general, and the commissioner of agriculture were retired from office. That the League, now put upon the defensive, had suffered more than a momentary decline was shown in the election of 1922;⁴⁰ and Townley's resignation as president reflected internal dissensions which impaired the combative enthusiasm of the rank and file.

Its later
history

A process of disintegration had apparently begun. Radical and moderate elements within the League engaged in bitter quarrels. The national organization was dissolved; even in North Dakota, the League seemed to be "leaderless, wandering, and broke"; its chief organ, the *Fargo Courier-News*, escaped bankruptcy by sale to a conservative publisher.⁴¹ At the same time, however, the Independent Voters' Association, rendered over-confident by victory, relaxed its efforts and allowed its zeal to decline. It lost the governorship, three state offices, and the lower house in 1924; and the governorship again in 1926 because its candidate was generally regarded as too reactionary. Nevertheless, the Nonpartisan League could accomplish nothing. Governor Sorlie had the senate (by one vote) against him during his first term, both houses during his second term, and the industrial commission all the time. As a moderate,⁴² he was suspected, and even hated, by the radical wing of the League. The Independents were willing, of course, to cooperate in discrediting him. In 1925 they gave him a free hand in the management of the flour mill and then, two years later, set up a committee of three sena-

³⁹ Also two of the three railroad commissioners and two of the three congressmen. The League still had a slight advantage in the state senate.

⁴⁰ Nestos, the I.V.A. candidate, was elected governor. Frazier's election as United States senator came as the result of peculiar circumstances that played into the hands of the League. *Literary Digest*, Vol. LXXIV (July 15, 1922), pp. 10-11.

⁴¹ E. C. Blackorby, *Political Factional Strife in North Dakota from 1920 to 1932* (unpublished thesis, University of North Dakota, 1938), pp. 76-77. Through the courtesy of Superintendent Blackorby I have been permitted to make use of his thorough and valuable contribution.

⁴² Moderates now controlled the League. "It was no longer the militant sponsor of an industrial program, but from this time until 1932 was the expression of a class consciousness that had been developed during the years the League had existed and which was expressed by voting for the candidates indorsed by the farmers' organization." *Ibid.*, p. 81.

tors (two of them radical Leaguers) to investigate his conduct. This strategy worked to their advantage for a time. They won the next two general elections. In 1932, however, they were swept from power, partly as a consequence of the depression. With William Langer as governor, the League now dominated the state, holding all state offices and both houses of the legislature. But, during the next decade, its influence seems steadily to have declined.

FARM BUREAU FEDERATION AND FARM BLOC

While the attention of the country was fixed upon the dramatic rise of the Nonpartisan League and its socialistic experiments in North Dakota, the farmers were laying solid foundations for a national movement that was to impinge upon the political field in a different fashion. The American Farm Bureau Federation was founded in November, 1919. It did not come suddenly into being, without any process of slow incubation and natural growth, as the momentary reflection of enthusiasm or discontent. It traces its origin to the effort, on the part of the federal department of agriculture and the state agricultural colleges, to improve farming methods and disseminate scientific information. Fifteen years ago, county agricultural agents began to be employed in this undertaking.⁴³ These agents, numbering about a thousand by 1915, were sustained by joint contributions from the nation, the state, and the county. They found it advisable to combine the farmers of each county in a local dues-paying group, which became known as a farm bureau. The development of this coöperation between county agent and farm bureau had a spontaneous character, appearing here and there, with some variation in form, in widely separated parts of the country. "Here at last," says Kile,⁴⁴ "we have a type of farmers' organization different from all its predecessors and involving organization principles which should make for permanence and strength."

County
agents and
farm
bureaus

Originally designed as mere instruments to facilitate the work of the county agent, the farm bureaus gradually assumed new functions. They became interested, for instance, in coöperative buying and selling.⁴⁵ While intimate association with the county agent still

National
federation
of the
bureaus

⁴³ They appeared in Texas as early as 1906-1907, in the Northern states a few years later (Broome county, New York, 1911). By 1912 there were 639 county agents in the South. Orville M. Kile, *The Farm Bureau Movement* (1921), p. 86.

⁴⁴ *Ibid.*, p. 6.

⁴⁵ *Ibid.*, pp. 105 *et seq.*

continued,⁴⁶ new purposes and new activities gave the local bureaus a wide sweep over the domain of agricultural interests. State federations were formed, first in New York (1917) and West Virginia (1918); and, moved by a common impulse, these in turn came together in the American Farm Bureau Federation. The objects of the Federation are stated thus: ⁴⁷ "To develop, strengthen, and correlate the work of the State Farm Bureau Federations of the Nation; to encourage and promote co-operation of all representative agricultural organizations in every effort to improve facilities and conditions for the economic production, conservation, marketing, transportation, and distribution of farm products; to further the study and enactment of constructive agricultural legislation; to advise with representatives of the public agricultural institutions co-operating with farm bureaus in the determination of nation-wide policies, and to inform farm bureau members regarding all movements that affect their interests." An elaborate program—educational, legislative, and economic—gave detailed application to these general aims.⁴⁸ As in the case of the Nonpartisan League, ample provision was made for financing the Federation. The annual dues that each member of the 1,800 county bureaus pays vary, it is true, from state to state, and even from county to county.⁴⁹ But, whatever the amount, the national

⁴⁶ "Undoubtedly the greatest source of strength possessed by the Farm Bureau and the feature which makes it different from all other farm organization attempts arises from the interrelation and interdependence of the county agent and the local county farm bureau. The county agent in the beginning developed the county farm bureau because he needed it as an instrument through which to work in carrying out his educational program for the county. The Farm Bureau grew and developed functions entirely separate and distinct from those associated with the county agent, and now it needs the county agent to act as the visualizing, stimulating force on the job 365 days in the year, actively engaged not only in promoting agricultural educational work but in keeping alive interest in the Farm Bureau—the instrument through which he works. The two are inseparable if either is to be effective, even though no organic connection exists." Kile, p. 194.

⁴⁷ *Ibid.*, p. 128.

⁴⁸ *Ibid.*, pp. 129-132.

⁴⁹ At the outset, according to Kile (p. 124), the state federations fixed the amount usually at \$10 (sometimes less, sometimes more—\$15 in Illinois), fifty cents going to the national and \$3.50 to the state organization. With the depression, apparently, fees were reduced. In 1937 Belle Zeller tells us (*op. cit.*, p. 102) that in New York the county fees vary from \$2 to \$5 and that the state organization, like the national, receives fifty cents as its share. From the *Annual Report* for 1940 (pp. 14-15) it appears that the fee still stands at \$15 in Illinois and has been increased from \$5 to \$10 in Iowa. Four other states plan increases.

treasury receives fifty cents as its share.⁵⁰ The membership of the Federation has varied from a high of 466,421 in 1921 to a low of 163,246 in 1933, since when, on the whole, steady and impressive growth has taken place. The following figures are official:

1921—466,421	1929—301,932
1922—363,481	1930—321,195
1923—392,580	1931—276,052
1924—301,747	1932—205,347
1925—314,473	1933—163,246
1926—278,759	1934—222,178
1927—272,049	1935—280,917
1928—301,699	1936—356,564
1937—409,766	

In place of the substantial growth of the preceding four years, there was a decline of 3 per cent (to 396,799) in 1938. Then, after a slight gain of 1,398 in the next year, the figure shot up to 444,485 in 1940.⁵¹

The political significance of the Federation soon became apparent. Farmers felt the need of immediate legislation by Congress to meet an unparalleled crisis. The fall in the prices of farm products, which began early in 1920 and continued through the next year, brought, in the words of Senator Capper,⁵² "the most perceptible and crushing depression ever experienced by American agriculture." The Federation not only drew up a comprehensive program of legislation, but it established a lobby at Washington under Gray Silver.⁵³ This was not a lobby of the familiar type, secret and devious in its methods. "Ours is not a lobbying campaign," said Silver.⁵⁴ "We have nothing to 'put across' on Congress, in the sense ordinarily implied at Washington. But we do have a big educational campaign to put forth and the objects to be arrived at are big enough to enlist the best energies of the agricultural bodies in every state. By proper organization and co-ordination of efforts we can carry on such a

Lobbying
at Wash-
ington

⁵⁰ Article V of the *Articles of Association and By-laws*.

⁵¹ For the first 8 months of 1941 the paid-up membership was 385,053.

⁵² Arthur Capper, *The Agricultural Bloc* (1922), p. 15. "One-fourth of the 6,000,000 farmers of the country were in a position practically bankrupt" (p. 126). According to the report of the department of agriculture, the value of farm products declined almost 50 per cent between 1919 and 1921 (p. 127).

⁵³ Powerful lobbies, working harmoniously with the Farm Bureau, are also maintained by the National Grange of Patrons of Husbandry; the Farmers' National Council; and the National Board of Farm Organizations, which is co-operatively maintained by some sixteen important agricultural associations.

⁵⁴ Quoted in Kile, *op. cit.*, p. 173.

campaign of ideas and information as to win Congress to the support of those principles essential to the adequate development of agriculture. . . ." The Federation relies upon the force of numbers. Its method has been first to ascertain the opinion of its members by referendum or otherwise; then to bring this opinion to bear upon senators and congressmen from agricultural states; and finally, on the basis of a systematic record of the proceedings of Congress, to keep the members fully informed of the conduct of their representatives.⁵⁵ In primaries and elections the farmers mete out punishment and reward. Equipped with adequate information, they have acted in concert and made the ballot a lethal weapon against their opponents. Quite as important is the steady political backing given to those who, in the face of threats from powerful business interests and party organizations, adhere to the Farm Bureau program.

Activities
of the
"farm
bloc"

It was in 1921, during the special session of the Sixty-seventh Congress, that the power of the "embattled farmers" was first demonstrated in Congress. Through the efforts of Gray Silver, bipartisan groups or "farm blocs," as the newspapers styled them, took shape in both houses. The Senate bloc proved much the more effective. This was formed on May 9, 1921, when twelve senators, half Republicans, met in the office of the American Farm Bureau Federation and agreed upon a scheme of legislation for the relief of agricultural distress.⁵⁶ A dozen others subsequently attached themselves to the group. Vigorously supported by the blocs and by the farmers' lobbies, bill after bill was carried through Congress: rural credit facilities were vastly extended; agrarian coöperative societies exempted from the provisions of the Sherman Act; packing houses and grain exchanges brought under federal control. Initiative had passed from the party steering committees; upon questions affecting agriculture party discipline could no longer be enforced. Conservative politicians denounced the Farm Bloc for promoting class legislation and undermining the party system.⁵⁷ The Secretary of War declared ⁵⁸ that the new tendency, if carried to its logical conclusion, would divide the country "into hostile factions or groups: one class plundered

⁵⁵ For the activities of the New York State Farm Bureau Federation see Belle Zeller, *op. cit.*, pp. 100-107.

⁵⁶ Capper, *op. cit.*, p. 9. W. S. Kenyon of Iowa acted as chairman.

⁵⁷ In reality, the Farm Bloc was doing more openly just what bi-partisan groups had done secretly in the past for the advantage of railroads and other business enterprises.

⁵⁸ John W. Weeks. *New York Times*, December 9, 1921.

by another, and the country powerless to defend or maintain its interests, national or international." Senator Moses pictured the Senate as an Arcadian body brought under the domination of a group which advocated the free and unlimited coinage of alfalfa! ⁵⁹ Republican leaders were perturbed by the emphatic manifestations of class-consciousness. They saw agrarian interests substituted for party interests, the sectional hostility between the farmers of the North and South set aside, the horrid specter of a third-party movement assuming tangible outlines. Unable to make way against the wind and tide, like wise mariners they let the wind and tide determine their course. The Bloc program became the Republican program; and in the summer of 1923 President Harding told the farmers of Kansas that his administration must receive the credit for what had been accomplished.⁶⁰

During the next few years these agrarian triumphs were not repeated, however. In the spring of 1924, the Bloc met with reverses in both houses of Congress; and the presidential election witnessed the collapse of the third-party movement as well as the refusal of the Southern farmer to be deflected from his traditional partisanship. In the first session of the Sixty-ninth Congress, projected schemes of farm-relief failed through lack of coöperation between the West and the South. "Agriculture," says Professor Macmahon,⁶¹ "revealed its inability to maintain a united front when facing innovative legislation with a sectional turn." Opinion was divided. Nevertheless, Congress twice passed the McNary-Haugen bill, only to have it vetoed by President Coolidge; ⁶² and it doubtless would have adopted the "export-debenture" plan, an alternative backed by the National Grange, except for the opposition of President Hoover. The Farm Bloc, though short-lived, had inculcated respect for the voting power of organized agriculture. It had taught congressmen the necessity

The
present
situation

⁵⁹ *Ibid.*, December 24, 1922.

⁶⁰ In a speech at Hutchison. *New York Times*, July 24.

⁶¹ "First Session of the Sixty-ninth Congress," *American Political Science Review*, Vol. XX (1926), p. 614.

⁶² This bill was designed to facilitate the marketing of surplus crops by means of an "equalization fee," levied on each commodity in order to meet the loss involved in "dumping." It was backed by the Farm Bureau and several other agrarian organizations. "Had President Coolidge signed this measure instead of vetoing it, the economic history of the past ten years might have been entirely different. Had a solid foundation of adequate prices been built under farm purchasing power at that time, agriculture might have led the nation to permanent prosperity instead of into the worst depression in our history." C. V. Gregory, *The Good Old Days* (Farm Bureau pamphlet, 1938).

of doing more than reiterate platitudes and party-platform phrases. A few years later, as the effects of the depression made themselves felt, the agricultural lobby insisted upon action. The A.F.B.F., believing that the cataclysmic fall of prices threatened to extinguish the class of independent, land-owning farmers, proposed to limit production, raise prices, and so give farmers the purchasing power that they had enjoyed in the years of 1909-1914. It persuaded the National Grange and other powerful groups, in spite of their hesitation to accept so drastic a remedy, to join forces in a National Farm Conference. The Conference dictated the tenor of party platforms in 1932 and the main provisions of the New Deal's Agricultural Adjustment Act—the control of production by means of a processing tax. The Supreme Court held that act unconstitutional (1936). Then the Federation helped to secure the passage of the soil-conservation and domestic-allotment measure. When the inadequacy of this device became apparent, the Federation “worked almost single-handed,” according to one of its pamphlets,⁶³ to formulate a more comprehensive plan, which took shape in the Agricultural Adjustment Act of February, 1938. This act set up the “ever-normal granary” and production-control of certain basic commodities. “Although as finally passed it fell far short of the measure first proposed by the Farm Bureau, it represented a long step in advance and forms a solid basis for a national farm policy.” It “put the farmer’s destiny into his own hands.”⁶⁴

CONCLUSION

Enough has been said to indicate the character and importance of organized groups in the community. Emphasis must be laid upon the fact that they tend not only to grow in number, but also to

⁶³ C. V. Gregory, *The Good Old Days* (1938). The pages are not numbered.

⁶⁴ *Ibid.* The subsequent activities and program of the Federation are presented in several small pamphlets, such as *Accomplishments, 1919-1941* and *Democracy Demands United Action*. The program, though primarily concerned with agriculture, calls for national unity, immediate rearming, increased taxation of incomes and excess profits, restoration of international trade, prosecution of monopolies, and continued private ownership of transportation agencies. The Federation publishes two organs. *The Nation's Agriculture*, a monthly magazine formerly known as *The Bureau Farmer*, goes to all members; the biweekly *Official News Letter*, to some 13,000 leaders of state and county units. The *Letter* “has been the main channel through which the national federation could make quick contact with key leaders of the Farm Bureau on developments of concern to the organization.” *Annual Report, 1940*, p. 18. This report includes no financial statement; but, on the basis of membership, income must have exceeded \$220,000.

develop more effective organization and more finished methods. Through skilful propaganda, through a perfected technique in influencing public opinion or manufacturing a spurious public opinion, they exert a tremendous pressure upon parties and upon the organs of government. On the whole, balancing the good against the evil that they do, they perform a useful, one might even say an indispensable, service. And yet in some cases their activity is pernicious, their power employed to subvert the very foundations of democracy. "The Constitution has been supplanted," says William Allen White,⁶⁵ "and we have two kinds of government—our political government which is supposed to be in the hands of a majority of the people; and a group of organized minorities, sometimes working together, sometimes at each other's throats, making a vast, uncontrolled, but tremendously 'powerful, invisible government—the government of the minorities. . . . The Congress of the United States and the legislatures of all the states are used as Olympic bowls for these great contests between the powers of invisible government. And the legally constituted members of governments are kicked around, tramped upon and sometimes thrown carelessly into the discard by the great illegal forces that stage the combat. . . . This government outside of government which we are building up in America in order that men of like minds may reach one another and form militant minorities may look harmless, but they are charged with dynamite. They are here, these new organs of government; they cannot be ignored nor destroyed, but they must be publicly controlled for the common good."

Group pressure and "invisible government"

But how can they be controlled, as long as they have votes? If they inspire fear in legislative bosoms, it is because their demands are backed by the threat of reprisal in the polling booth. No one suggests that the A.F. of L. should be restrained by law from rewarding its friends and punishing its enemies. The remedy lies elsewhere. On the one hand, our politicians are strangely susceptible to propaganda. They are credulous and cowardly, easily frightened by talk about the solidarity of the labor vote or the veteran vote. Perhaps the people like cowardice and credulity as indicating deference to themselves. In that case we can only hope for an improvement in the popular sense of values. On the other hand, a congressman may be right in thinking that a pressure-group holds the balance of power in his district and that obduracy will mean the end of his career in Washington. Once again, as long as Democracy endures, the remedy

Possible remedies

⁶⁵ *Politics: The Citizen's Business* (1924), pp. 8, 16, and 84.

must be found in the electorate itself. Things will go on much as they are until the electorate shows more disposition to serve the common good as against special interests (which do not refer solely to the Wall-street bugaboo!) and to support the courage of a man of character as against the abject ambitions of a calculating demagogue.

There is one other way out—and still not White's way. Party leadership and party discipline might be strengthened by having all major legislative proposals submitted to the caucus. A congressman who flouted the decision of the caucus, at the behest of some pressure-group, would be expelled from the party. If he stood by the decision and, as a consequence, met with defeat in his district, the party would find some way of looking after him. He would no longer cringe before the lobbyist. Unfortunately, the electorate seems to frown upon "Cannonism" and "caucus rule," failing to appreciate their advantages. Even the amount of discipline imposed by President Roosevelt would be impossible for a successor who did not enjoy his remarkable popularity.

These remarks apply to pressure groups in general. From the standpoint of agrarian propaganda, something more must be said. Formidable in numbers and at last well organized, the farmers have won from Congress, latterly, special privileges and enormous subsidies. Is this the result of deluding and intimidating the national government? Can the farmers make out no better case for public generosity than manufacturers for the tariff or unionized labor for extraordinary immunities? It may be that Congress, instead of being dragooned, felt the stirrings of conscience over an intolerable situation. The farm lobby at Washington brought forward the facts and demanded justice. "The picture of contemporary American agriculture," says Donald R. Blaisdell,⁶⁶ after marshalling the evidence, "is not an inspiring one. But it is impressive. It is a picture of the nation's basic industry, agriculture, out of adjustment with the rest of the nation's industries." He sees no alternative to intervention by government. What effect largesses and bureaucratic regimentation will have upon the traditional self-reliance of American farmers remains to be seen.

⁶⁶ *Government and Agriculture* (1940), p. 27.

Part II

NATURE AND HISTORY OF PARTIES

Chapter VIII

PARTY: ITS ORIGIN AND FUNCTION

"Party" may be defined as an organized group that seeks to control the personnel and policy of the government. This definition views party from the standpoint of function. State election laws, however, adopt a different criterion—that of demonstrated voting strength. Thus, in Massachusetts a "political party" is a party which at the preceding state election polled for governor at least 3 per cent of the entire vote cast for that office. New York makes no such forced distinction between a party and a political party. There "the term 'party' means a political organization which at the last preceding election for governor polled at least fifty thousand votes for governor,"¹ and any organization or group which fails to reach that figure and therefore must nominate candidates by petition (instead of direct primary or convention) is known as an "independent body." The Communists ceased to be a party in 1936, their candidate for governor having received little more than 40,000 votes. The Republicans of Florida ceased to be a party in that same year, their vote for presidential electors having fallen just short of the qualifying percentage. Aside from the arbitrary test of numbers, of course, the characteristics of party still remained. Communists in New York and Republicans in Florida did not abandon either purpose or program.

Party defined

The line of demarcation between parties and other organized groups may, at times, seem blurred and indistinct. The Nonpartisan League pursued the same objects everywhere. If, as a matter of convenience, it took possession of the Republican party in North Dakota and the Democratic party in Montana, while launching a party of its own (called Nonpartisan!) in South Dakota, in all three states the motive power proceeded from Townley's organization. Without being itself a party, it dominated and set up parties.² Again,

Essential characteristics: (1) formulates policies

¹ Down to 1936 the qualifying number of votes was 25,000. In the election of that year, 50,000 was only nine-tenths of one per cent of the total vote. New Jersey requires 10 per cent of the votes cast for the general assembly.

² The *New York Times* (November 3, 1924) quotes the chairman of the Republican state central committee in North Dakota as saying: "The Nonpartisan

how shall we differentiate between the Prohibition party and the Anti-Saloon League when both were fighting for the adoption of the Eighteenth Amendment? Both had a program upon which they wished to concentrate a favorable public opinion. Both were active in state and national elections. But it will be observed that, while the Anti-Saloon League confined itself to one particular issue, the Prohibition party looked beyond the principal object for which it was formed and addressed itself to a wide range of political questions.³ This dispersion of interest is, indeed, a characteristic feature of party. The Abolitionist or Liberty party declared in 1843: "That the Liberty party has not been organized merely for the overthrow of slavery . . . , but it will also carry out the principle of equal rights into all its practical consequences and applications, and support every just measure conducive to individual and social freedom." Nor did the Free Soil party, in 1848 and 1852, make its appeal on the slavery issue alone. Even the Socialist party, which may be said to have a specific and limited aim, the substitution of collectivism for capitalism, deals extensively with immediate problems. Party, then, as distinguished from other organized groups, does not confine itself to the exploitation of a single issue.⁴ Even if it be a minor party, a mere party of protest, without any near prospect of victory, it must, nevertheless, offer itself as an alternative to the major parties and,

League is the Republican party of North Dakota. Make no mistake about that. And I will say that the program is the same old program that the Nonpartisan League has always stood for. We have not changed in any way, shape, or manner. Our principles are now those of the Republican party, as far as this state goes, and to-day every one of the original Nonpartisan League planks is embodied in the platform of the Republican party of North Dakota. I think that is plain enough. . . . The opposition charges that Lynn Frazier [candidate for the United States Senate] has gone out of the state to urge the election of candidates who were running on the Democratic or Farmer-Labor or other tickets in South Dakota, Minnesota, and other states. That is true, and, if necessary, he will do it again."

³ It has always done so except in 1880, 1896, and 1900. In 1896 the party split, and the broad-gaugers, forming the National party, dealt with a variety of issues in their platform.

⁴ An interesting exception to the general rule was the "Know-Nothing" party, which participated in the election of 1856. Its platform was practically limited to an expression of hostility to the political influence of foreigners and of the Catholic church. But Horace Greeley rightly predicted that it would "run its career rapidly, and vanish as suddenly as it appeared. . . . It would seem as devoid of the elements of persistence as an anti-cholera or anti-potatorot party would." Edward Stanwood, *A History of the Presidency*, Vol. I (1898), p. 260.

in competition with them, define its position on outstanding political controversies. It must indicate what it would do if entrusted with power.

For, in the second place, the object of party is to dominate the government. "Every honourable connexion," wrote Edmund Burke,⁵ "will avow it as their first purpose, to pursue every just method to put the men who hold their opinions into such a condition as may enable them to carry their common plans into execution, with all the power and authority of the state. As this power is attached to certain situations, it is their duty to contend for these situations." Parties, therefore, nominate candidates and promote their election to office. It is true that other organized groups may nominate candidates; but they do so sporadically, occasionally, not as a settled practice; and in the methods of making nominations American election laws distinguish between parties and independent bodies, recognizing the fact that with the former the bringing forward of candidates is a normal and characteristic function. It is also true that non-party groups are often active in election campaigns. In 1922 "the Anti-Saloon League of New York, through its officers and employees and at its expense, by the printing and distribution of publications, bulletins, circulars and letters, by public addresses made to qualified electors directly referring to the record and qualifications of candidates for nomination and election and by assistance rendered in the organization and direction of activities of workers at the polls, was an active participant to aid and defeat candidates for public office at the primary and general elections."⁶ But the League was not conducting itself as a party. It was doing what the American Federation of Labor has done in pursuit of its special objects since 1906—bringing pressure to bear on the established parties for the nomination of candidates favorable to its cause and, after the primaries, throwing its influence, irrespective of party, to those candidates who give satisfactory pledges.

(2) seeks
to control
the gov-
ernment

The two characteristics of party—one having to do with the pol-

⁵ "Thoughts on the Cause of the Present Discontents," *Works* (Bohn, 1841), Vol. I, p. 151.

⁶ Mr. Justice Staley in the appellate division of the Supreme Court of New York, affirming the order of the lower court that the League, as a "political committee," should file a statement of expenditures in the election of 1922. 207 App. Div. 870 (1923). The Court of Appeals held, however, that the League was a corporation, not a political committee, and so debarred from spending money for any political purpose whatever. The League got around the law by setting up a committee to act in political campaigns.

The
second
character-
istic is the
vital one

icy, the other with the personnel of government—are not of equal significance. Politicians are far more preoccupied with getting offices than they are with proclaiming policies. It has been said with some truth that the two great parties exist in America, not because there are two sides to every question, but because there are two sides to every office—an outside and an inside. Edmund Burke took a different view. In his oft-quoted definition he regarded principle as the true basis of party and electoral activity as simply the means of reducing principle to practice.⁷ But Burke was more the philosopher than the politician; he was describing parties in the light of his own ideal and not at all in the light of what they then were in England. Looking at American parties, Bryce observed in his *Modern Democracies*⁸ that “legislation is not one of the chief aims of party, and many of the most important measures, such as the Prohibition, and the Woman Suffrage amendments, have had no party character. Its chief purpose is to capture, and hold when captured, the machinery, legislative and administrative, of the legal government established by the constitution. That machinery, when captured, is used, mainly of course for discharging the routine work of legislation and administration, most of which has nothing to do with party doctrines and proposals, to some extent also for carrying out those doctrines by legislative action, but largely also for putting into public office ‘sound men,’ being those who profess the tenets of the party, and have rendered service to it.” There is nothing strange or erratic in these observations. American writers use similar language. “Parties take up issues as a merchant replenishes his stock,” says J. J. Murphy;⁹ “when the public demands something new, the merchant brings out the new fashions. The primary purpose of the merchant and the party is the same, to make a living. Parties have an existence entirely independent of the principles they advocate or profess.”

True as these statements are, they imply unwarranted criticism. For example, why should party be derided for behaving like a merchant and giving the people what they want? Does not the democratic régime assume that the people should get what they want? The true function of party, as we shall see, is to serve the purpose

⁷ “Party is a body of men united, for promoting by their joint endeavours the national interest, upon some particular principle in which they are all agreed.” *Op. cit.*, Vol. I, p. 151.

⁸ Vol. II, pp. 42-43.

⁹ “Non-partisanship in Municipal Affairs,” *National Municipal Review*, Vol. VI (1917), pp. 217-218.

of democracy and, therefore, to find out the sort of compromise upon which discordant minorities can be brought together as a majority. There is so much discord in a country of large area and large population that a preponderant mass of voters can seldom be suited by clear-cut proposals. At times, no doubt, the people do divide sharply on momentous issues and look to the party platforms for solutions. But there are also periods of quietism, when any sort of proposal for change looks like rash adventure and when "back to normalcy" becomes the popular cry. It is possible to overrate the importance of the written word, of the party platform and of the statutes that give effect to it. Personality counts. The electorate may be less satisfied with bold declarations of policy than with "sound men" who, making no promises, can nevertheless be relied upon when emergencies arise. A choice between men may mean more than a choice between policies.¹⁰

If we consider the two major parties,—and in English-speaking countries they alone are serious contestants for power,—it will be found that as a rule no sharp cleavage of policy separates them. The explanation of this phenomenon, already suggested, will be given in more detail later. Nevertheless, when new parties come into being, they do for the moment lay great emphasis upon principles and do profess strong convictions upon the predominant questions of the time. It was so with the Whigs and Tories in seventeenth-century England, with the Federalists and Republicans at the close of the eighteenth century in America, with the Democrats under Jackson, and with the Republicans under Lincoln. For parties are born in times of controversy and conflict; they rise more or less spontaneously, in an atmosphere of enthusiasm and crusading ardor, when some considerable element in the community feels that its interests, particularly its economic interests, are imperilled. The party principle is announced in a form that disguises the vulgar aspects of the struggle for ascendancy, covers selfish motives with a polite veneer of ideal-

But policy is important at certain stages

¹⁰ "That strikes me as a gran' platform," said Mr. Hennessy. 'I'm with it fr'm start to finish.' 'Sure ye are,' said Mr. Dooley, 'an' so ye'd be if it begun: "We denounce Terrence Hinnissy iv th' Sixth Ward iv Chicago as a thraitor to his country, an inimy of civilization, an' a poor thing." Ye'd say: "While there are wan or two things that might be omitted, th' platform as a whole is a statesmanlike docymint, an' wan that appeals to th' intellijince iv American manhood." That is what ye'd say, an' that's what all th' likes iv ye'd say. An' whin iliction day comes 'round th' on'y question ye'll ast ye'ersilf is: "Am I with Mack or am I with Billy Bryan?" An' accordin'ly ye'll vote.'" F. P. Dunne, *Mr. Dooley's Philosophy* (1906), p. 97.

ism, and imparts solidarity and the fighting edge. But the original, creative principle is not enough. In the moment of enthusiasm practical considerations must not be overlooked. The platform must be broadened to attract diverse interest-groups and consolidate them into a majority. Thus the Republican party, though originating in a conflict over the extension of slavery, advocated in 1860 free homesteads, a Pacific railroad, internal improvements, and a protective tariff—economic policies that appealed to the manufacturer on the one hand and to the farmer on the other.

HOW PARTIES ORIGINATE

Bases of
party: (1)
religion;

(2) na-
tionality

If parties do at times, and especially in the period of origin, reflect real cleavages of opinion in the community, what is the nature of those cleavages; in other words, what is the cause of party? In continental Europe, religion has been a foment of discord; there are Catholic parties in Belgium, France, Italy, and Germany before the new age of the despots. But in our country, if religious feeling may seriously affect the political situation (more so in the states than in the country as a whole), it cannot be regarded as an important factor in determining party affiliation.¹¹ Nor has nationality, which plagued British politics before the erection of the Irish Free State and which in Quebec binds the French-Canadians to one party, exerted any appreciable influence. Voters of foreign extraction not only show no inclination to form parties of their own, but, aside from the Irish, who are mostly Democrats, and the Germans and Scandinavians, who are mostly Republicans, do not generally favor one party more than another. It is true that people of the same national origin do tend in a given locality, where they settle in some strength, to

¹¹ A few days before the elections of 1884 a New York clergyman used the terms "Rum, Romanism, and Rebellion" to characterize the Democratic party. This incident may have alienated Irish Catholic voters and deprived Blaine of the presidency through the loss of New York State. In 1924 the solidarity of the Democrats was imperilled by a bitter fight in the national convention over a proposal openly to condemn the Ku Klux Klan; by a majority of four votes a milder resolution was adopted which did not mention the Klan by name. No party has appealed to religious antagonisms except the short-lived Know-Nothings, who embodied in their platform of 1856 a somewhat veiled declaration against the supposed aims of the Catholic church.

In 1928 Democrats of the Solid South strongly objected to Alfred E. Smith as presidential candidate, mainly on account of his being a Roman Catholic. Four of the ten states went Republican.

adopt the same political faith. They hold together, act alike. But "only in such an exceptional matter as the regulation of immigration," says Professor Holcombe,¹² "is there room for religious or racial feeling to influence political action. Religious and racial followings may be cultivated by national politicians by the petty tactics which practical politicians understand only too well, especially through the artful dispensation of patronage, but such operations can have generally no more than a local importance. Schemes for the utilization of the powers of the Congress of the United States for enlisting special religious or racial groups (excepting the negroes) in support of particular parties have been largely banished from the grand strategy of national politics." The political rôle of Negroes in the Northern states has already been considered.¹³ For two generations after the close of the Civil War they gave the Republican party loyal support. Receiving in return little but hollow promises and being offended by President Hoover's lily-white policy in the Solid South, they transferred their allegiance in the nineteen-thirties to the Democratic party. In a few states their numbers are large enough to be decisive in a close election.

The two theories of the origin of party which have attracted most attention may be termed the temperamental and the economic. The first is generally associated with the name of Lord Macaulay. In explaining the rise of the Whig and Tory parties in the seventeenth century, he concludes that they rested upon "diversities of temper, of understanding, and of interests" which are common to all societies and all ages. "Everywhere," he wrote,¹⁴ "there is a class of men who cling with fondness to whatever is ancient, and who, even when convinced by overpowering reasons that innovation would be beneficial, consent to it with many misgivings and forebodings. We find also everywhere another class of men, sanguine in hope, bold in speculation, always pressing forward, quick to discern the imperfections of whatever exists, disposed to think lightly of the risks of change, and disposed to give every change the credit for being an improvement." On this basis there would be a party of order, authority, *status quo*—the Conservatives;¹⁵ and a party of liberty and

(3) temperament

¹² *The Political Parties of To-day* (1924), p. 37.

¹³ In Chapter III.

¹⁴ *History of England* (5th ed., 1913), p. 88.

¹⁵ Defined by a Frenchman as people who would, on the morning of creation, cry, "Let us preserve chaos!"

progress—the Liberals. Twenty-five years earlier, Thomas Jefferson put forward a similar doctrine in a letter to Lafayette: ¹⁶ "In truth the parties of Whig and Tory are those of nature. They exist in all countries, whether called by these names or by those of Aristocrats and Democrats, Coté droite and Coté gauche, Ultras and Radicals, Serviles and Liberals. The sickly, weakly, timid man fears the people and is a Tory by nature. The healthy, strong, and bold cherishes them and is formed a Whig by nature."

Objections
to the tem-
peramental
theory

Macaulay's theory has been much quoted and much criticized. It has been criticized because, even if accepted as an explanation of the two-party system in England, it would be inapplicable to the situation in continental Europe where there are numerous parties ranging from the extreme Left to the extreme Right. The objection is not well taken. For, if men may be classified as cautious or sanguine, timid or bold, surely all are not equally timid or equally bold. There are gradations. One might discern, for instance, Reactionaries, who wish to return to the conditions of the past; Conservatives, who wish to retain the conditions of the present; Liberals, who wish to reform those conditions; ¹⁷ and Radicals (glowing with the memory of to-morrow afternoon, as Chesterton says), who wish to abolish them. ¹⁸ In fact any number of parties might be developed through temperamental diversities. The critics also complain that the theory does not fit contemporary phenomena, that the inclination to liberty and authority, to progress and order, respectively, does not find expression in the parties of to-day. "These conceptions," says President Lowell, ¹⁹ "would be all very well if every political issue could be

¹⁶ Quoted by C. A. Beard, *Economic Origins of Jeffersonian Democracy* (1915), note, pp. 420-421.

¹⁷ "The essential difference between the liberal and the radical view of the tasks which lie before us is that liberalism requires this experimenting and that radicalism rejects it for immediate entry upon the revolutionary tactic. Liberals would like to rebuild the station while the trains are running; radicals prefer to blow up the station and forego service until the new structure is built." R. G. Tugwell, *The Industrial Discipline and the Governmental Arts* (1933), p. 229.

¹⁸ This classification resembles that of Friedrich Röhmer (*Lehre von den politischen Parteien*, 1844), according to whose rather fantastic philosophy party divisions spring from the changes in temperament that mark successive stages of life from youth to old age. The young and those who preserve in later life a youthful outlook are radical; the old and the precocious young are reactionary.

¹⁹ *The Government of England* (rev. ed., 2 vols., 1909), Vol. II, p. 116.

brought within the formula of authority on the one hand, and popular rights on the other, and if every man took the same side on every question according as it fell into one or other of these categories. They would be all very well if progress in human affairs, like that of a stag, took place in only one direction at the same time, and the same party was always in favor of movement in whatever direction it might be. But unfortunately this is not true. A man or a party may desire progress, or change, in ecclesiastical or temperance legislation, and not in fiscal or foreign policy; and from a philosophic point of view we do not help matters by calling our opponent bad names, and saying that he wants to progress backwards."

Leaving aside the question as to whether in England the Labor party is not on the whole more progressive than the Conservative party or whether in America the Democratic party is not more progressive than the Republican party, one must observe that Lowell makes an important concession. "Now there are periods in the world's history," he continues, "when things are moving so rapidly under a common impulse, that people are divided into the sanguine who are inclined towards every movement proposed, and the cautious who distrust them all. The transition from older conditions to the modern industrial state gave rise to a period of this kind over a great part of continental Europe during the second and third quarters of the last century. In a lesser degree the same thing occurred in England also; but it is not a necessary or indeed a normal state of affairs." Lowell concedes, then, that there are periods of disturbance, when temperamental reactions become significant. It is precisely under such abnormal conditions that new party alignments appear. Parties have their origin in times when questions of fundamental importance agitate the community (as did the question of slavery in the middle of the last century), tearing men loose from their old partisan moorings, dissolving long-established connections, and putting public affairs in a new perspective. If no more destructive criticism were offered, the temperamental theory would still be tenable, at least as an explanation of the origin of parties.

Partial
justifica-
tion

But considerations of a different order may be advanced. Even where the party cleavage may seem to reflect in some degree a conflict between the cautious and sanguine temperaments, we may often discover, by penetrating beneath the superficial appearances, that the conflict has really an economic basis. Men of property are inclined to caution, distrusting and dreading change because it threat-

(4) eco-
nomic
interest

ens their security.²⁰ Others, having no possessions, entertain hope that change may improve their lot. Politically, these classes respond to a disposition that is not inherent in character, but imposed by circumstance. Macaulay himself qualified his theory by linking together, as if they belonged in the same category, diversities of *temper* and diversities of *interest*. So, too, in the case of Thomas Jefferson. "Although Jefferson thus based his explanation of the source of the party antagonism on a theory of human nature," says Professor Beard,²¹ "it must not be supposed that he was unaware of the economic character of the masses aligned on his side. Curiously enough in the very passages in which he attributes the party cleavage to the distribution of the capacity for cherishing or distrusting the people, he positively states that his party was composed of the 'landed and laboring interests of the country,' and that the cities were 'the strongholds of Federalism.' Thus he recognizes that the divergence in views concerning human nature which caused the split into parties was not fortuitous, but ran along distinctly economic lines. The landed and laboring interests cherished the people; the movable property, or capitalistic, interests distrusted them." That the party cleavage between Federalists and Republicans represented an economic cleavage has been fairly demonstrated;²² and an analysis

²⁰ Of course, capitalists, and the party they influence, may at the same moment favor both cautious and bold policies. Manufacturers, while opposing radical legislation at home, may press for vigorous action looking to the development of foreign markets. Organized labor may denounce every sort of foreign adventure or colonial enterprise and at the same time preach a revolutionary doctrine in home politics. In the face of such facts Macaulay's theory would break down, but no difficulty would be found in applying the theory of economic determinism.

²¹ *Op. cit.*, p. 421.

²² Beard, *op. cit.*, and *An Economic Interpretation of the Constitution of the United States* (1913). There was a time when respectable scholars insisted that the issue between parties throughout our history was merely the issue between broad and narrow construction of the Constitution. Such was the thesis of Alexander Johnston's *History of American Politics* (1898). But Professor Holcombe justly observes (*op. cit.*, pp. 34-35) that such an explanation "hardly reaches the root of the party differences that have existed. Controversies over a central bank, protection, internal improvements, exclusion of slavery from the territories, the issue of legal-tender paper money, the regulation of railroad rates and of business methods, labor legislation and so forth, may seem to turn upon points of constitutional interpretation. But popular interest in such questions does not spring from theories concerning the extent of the federal powers. It springs from the conflicts of interest which the party leaders are seeking to adjust by the use of the powers at their disposal. The clearest evidence of this is the

of political controversies since that period would indicate that, so far as parties have differed in principles or policies or tendencies, the differences have usually been of an economic nature.²³

Views of
Hamilton
and Mad-
ison

Some people are instinctively repelled by the suggestion that human conduct is shaped by economic motives. They see something sordid and debasing in a thesis which places self-interest above ideals. They often seek to disguise, to themselves as well as others, the materialistic aims that really control them. With some this prejudice is all the stronger because the doctrine of economic determinism, having been given such a finished and relentless form by Karl Marx, might seem to imply a socialistic bias. But this doctrine did not originate with Marx, nor does it remain to-day the exclusive possession of Socialists. The men who laid the foundations of our government placed the greatest emphasis upon economic motives. "All communities divide themselves into the few and the many," said Hamilton.²⁴ "The first are the rich and the well born, the other the mass of the people." John Adams, taking the same view, held that, in the pursuit of wealth, religious and moral considerations were overborne.²⁵ In the tenth number of *The Federalist*, James Madison wrote that "the most common and durable source of faction has been the various and unequal distribution of property." Those who hold and those

fact that, though loose or broad construction of the constitution has been almost universally accepted, at least in principle, party organizations continue to flourish and party differences continue to be fought out at the national elections." Professor Holcombe might have added that each party has shifted its ground with respect to constitutional theory whenever economic interest dictated such a course.

²³ As to the economic basis of English parties, twenty years ago, see G. D. H. Cole, *Labour in the Commonwealth* (1919), pp. 97-101.

²⁴ Max Farrand, *The Records of the Federal Convention* (3 vols., 1911), Vol. I, p. 299.

²⁵ Professor Beard summarizes the views of Adams in this fashion (*Economic Origins of Jeffersonian Democracy*, p. 316): "1. Society is divided into contending classes, of which the most important and striking are the gentlemen and common people, or to speak in economic terms, the rich and the poor. 2. The passion for the acquisition of property or the augmentation of already acquired property is so great as to override considerations arising out of religious or moral sentiments. 3. Inevitably the rich will labor to increase their riches at the expense of the poor, and if unchecked, will probably, on account of their superior ingenuity and wisdom, absorb nearly all the wealth of the country. 4. Out of the contest for economic goods arise great political contests in society, particularly between the rich and the poor. Such contests have ended for the most part in the poor committing themselves to an absolute monarch to secure protection against the predatory rich,"

who are without property have ever found distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, with many lesser interests, grow up of necessity in civilised nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of government."

Integra-
tion of
economic
groups in
the party

Successful American statesmen, as Professor Holcombe observes in his admirable study of *The Political Parties of To-day*,²⁶ have always recognized the economic basis of party. "National parties cannot be maintained by transitory impulses or temporary needs. They must be founded upon permanent sectional interests, above all upon those of an economic character. . . . Ambitious and realistic party leaders will ascertain what interests may be able to dominate particular districts and states, and will attach enough of them, if they can, to their respective combinations to obtain control of the federal government." Because of the methods by which President and Congress are elected, the parties aim to establish predominance in particular localities rather than an even distribution of strength throughout the country. National politics is, therefore, inseparable from sectional politics; and the national parties are organizations through which sectional interest-groups promote their specific objects and ambitions.²⁷ By means of concession and compromise, which are likely to produce a rather colorless platform, these diverse economic groups are brought into fairly harmonious coöperation.

²⁶ Pp. 41 and 82.

²⁷ According to Professor Peter H. Odegard, parties "are the instrumentalities by which powerful groups within the community achieve control of government." They "represent aggregations of numerous interest groups." "Political Parties and Group Pressures," *Annals of the American Academy*, Vol. CLXXIX (1935), pp. 68-81. See also H. E. Barnes, *Sociology and Political Theory* (1924), p. 114. Regarding interest groups in Australia, W. K. Hancock says (*Australia*, 1930, p. 233): "It is an immense simplification of politics that these groups should struggle to assert themselves within a party to which they confess a common loyalty rather than that each should assert its own separate identity and fight for its own particular spoils over quicksands of dissolving combinations amidst ever-changing pacts of covetousness. But the system has its own dangers. It does not favor resolute and decided leadership. Should there be need for surgery upon the body politic, the government can hardly operate with a steady hand, so insistently is its elbow jogged by clamorous, disputing assistants."

In attributing party divisions to diversity of economic interest, it must not be presumed that there are no other contributing factors. Thus, Madison regarded the unequal distribution of property, not as the sole, but as "the most common and durable," source of party. "A zeal for different opinions concerning religion," he wrote,²⁸ "concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for preëminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to coöperate for the common good." In the same way Arthur Christensen, while maintaining that "the economic element is found in all political parties everywhere at all times," believes that parties commonly come into existence through the intersection of two or more lines of cleavage.²⁹ Indeed, any observation of individual behavior will show cases in which the predominant motive is not economic at all. There are men capable of an entirely disinterested attitude towards public affairs; others whose bias is that of a severe morality or a humanitarian fervor.

Economic
interest
not the
only factor

Those who believe in economic determinism admit these facts. They simply claim that, taking men in the mass and thus establishing what are the normal and what are the exceptional cases, conduct will be found to respond on the whole to the pressure of the struggle for existence. The chief preoccupation of men is in the satisfaction of material needs; and so, from the political standpoint, self-interest must commonly dictate their party affiliation. Nevertheless, self-interest does not lead to the consolidation of rich and poor in hostile groups. The rich are often in economic conflict with each other; they form numerous interest-groups. The poor may not be conscious of their separate interests, feeling that their own prosperity depends upon the prosperity of their employers. They also have, like the rich, divergent inclinations; for with regard to a high tariff on manufactured articles, let us say, the factory worker and the agricultural

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one

²⁸ *The Federalist*, Number X.

²⁹ *Politics and Crowd Morality* (1915), p. 187. The passage continues: "The temperamental element is also so common that it will hardly be found wanting in any party. The presence of the social-theoretical element is not so much a matter of course; it has only attained in modern times so great significance that it can be described as an actual line of party cleavage. The personal element in the parties will only make its influence felt to the extent that the party leaders possess the power of exercising suggestion on the rank and file."

worker are not likely to entertain the same opinions. And yet a review of partisan alignments through the last century and a quarter would show at least a tendency towards the concentration of wealth in one of the parties. That tendency is clearly marked in the case of the Federalists and the Whigs. De Tocqueville observed it in the period when the Whig party was forming.³⁰ Emerson described the Whig party as composed of the most able and cultivated part of the population, but "merely defensive of property," and the Democratic party as "facilitating in every manner the access of the young and the poor to the same sources of wealth and power."³¹ To-day the Republicans and Democrats may be distinguished in a similar fashion, though less certainly because of the peculiar position of the latter in the Solid South. Twenty-five years ago, Professor Beard, fixing his attention on the large cities outside of the South, contended that "the center of gravity of wealth is on the Republican side, while the center of gravity of poverty is on the Democratic side."³² Unquestionably the Democrats have been less subservient to big business and more sympathetic with wage-earners than the Republicans. The attitude of the American Federation of Labor towards the Democratic ticket from 1908 to 1920 seems conclusive on that point.

WHY PARTY PLATFORMS TEND TO LIKENESS

Parties
often lack
distinctive
principles

Those who accept and those who reject the doctrine of economic determinism will agree that parties come into being because of a difference of opinion on public questions. It is clear that at certain junctures, when great issues arise and lead to a redistribution of political forces in the electorate, there is a real conflict of principle and policy. But it is equally clear that in the intervals, and even through long periods, the manifestoes of opposing parties are apt to show a striking similarity. "Parties, although formed to secure certain ends," says President Goodnow,³³ "get to be ends in and of themselves. Party allegiance gets to replace, as a primary motive of conduct,

³⁰ *Democracy in America* (Appleton ed., 1912), Vol. I, p. 182.

³¹ Essay on "Politics" (*Works*, 1903, Vol. VII, pp. 475-476). Emerson says of the parties that "one has the best cause, and the other contains the best men."

³² *National Municipal Review*, Vol. VI (1917), 203. Cf. William Garrott Brown in the *Atlantic Monthly*, Vol. LXXXVI (1900), p. 582, who regards the Republican party as standing for effective government, the Democratic party for free government. "One is responsible to the changeful voice of the popular will; the other follows the intelligent guidance of successful men of affairs."

³³ *Politics and Administration* (1900), p. 150.

adherence to political principles. The perpetuation of a party often appears more important than the ends for whose attainment the party itself originally was formed." This phenomenon has been observed by many students of politics, usually without an understanding of why it should occur.³⁴ It is familiar enough, both in European and in American experience, to suggest that in ordinary times principle must be regarded as an accidental rather than as a fundamental attribute of party, as a convenient weapon to employ in the struggle for power.³⁵

But, to the critics, a party that has no distinctive policies seems a monstrous vagary, a shameful deviation from type; its behavior is not simply eccentric, but positively immoral.³⁶ As to the Democrats

³⁴ For example W. R. Thayer, in his *Theodore Roosevelt* (1919), p. 341, says: "There comes a time in every sect, party, or institution when it stops growing, its arteries harden, its young men see no visions, its old men dream no dreams; it lives on the past and desperately tries to perpetuate the past. In politics when this process of petrification is reached we call it Bourbonism and the sure sign of the Bourbon is that, being unconscious that he is the victim of sclerosis, he sees no reason for seeking a cure. Unable to adjust himself to change and new conditions he falls back into the past as an old man drops into his worn-out arm-chair."

³⁵ Of the Canadian parties Alexander Brady says (*Canada*, 1932, p. 84): "They do not stand for clearly articulated principles or coherent philosophies any more than they express the opinions of two class-conscious or race-conscious portions of the community. Neither do they reveal the two general categories into which individuals are sometimes classified according to temperament. . . . Each party is a group of varied social elements, a medley of opposites, organized under a common label, and held together largely to fight for the profits of office and the symbols of power." He adds (p. 85): "The platforms are skilfully constructed to satisfy the diverse opinions within the party and win those outside; and hence at times they appear to be little more than 'honey to catch flies.' There is so little real difference between the programmes of the two parties . . . that on most occasions they could be exchanged with slight inconvenience and with a negligible shift of supporters."—Of the situation in Australia W. K. Hancock says (*Australia*, 1930, pp. 222–223): "The same necessity which tempers the zeal of Labour politicians moderates the ardour of their opponents. They, too, must go scouting from their base of class interest and instinct and theory far out into the electoral no-man's-land, where free companies and guerilla mercenaries wander irresolutely between the two armies which chaffer for their support. . . . The champions seem to be angry, but they do not fight to the death. If the Labour party dare not practise socialism, the Nationalist party dare not even profess individualism."

³⁶ "The major party leaders, if their critics are to be believed, are largely occupied in evading the issues over which the various groups of voters are most deeply concerned and in denying to the rank and file of the electorate the opportunity to pass judgment upon them. The bipartisan system, its critics

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and Republicans, Bryce wrote in the *American Commonwealth*:³⁷ "Neither party has any clear-cut principles, any distinctive tenets. Both have traditions. Both claim to have tendencies. Both have certainly war cries, organizations, interests enlisted in their support. But those interests are in the main interests of getting or keeping the patronage of the government. . . . The American parties now continue to exist because they have existed. The mill has been constructed, and its machinery goes on turning even when there is no grist to grind. . . . An eminent journalist remarked to me in 1908 that the two great parties were like two bottles. Each bore a label denoting the kind of liquor it contained, but each was empty." Referring to the elections of that same year, J. N. Larned observed:³⁸ "It was manifest that they existed no longer as organizations of opposing opinion; but had degenerated into competing syndicates for the capture of political power." The late Frank A. Munsey proposed that, since there was no substantial difference between the two major parties, they should combine.³⁹ "There are no longer any big outstanding issues between them that have any place in our politics. There are, to be sure, many small points on which the Republican and Democratic parties disagree to-day. It is their business to differ, to create differences, to work up issues without which they would cease to be political parties." Or we have the pessimistic conclusion of a political expert, Mark Sullivan:⁴⁰ "Name and form is pretty nearly all that remains of them."

But some
justifica-
tion can
be found

In the face of such an indictment, it may be well to inquire whether any adequate defence can be offered. It is possible, if not to exonerate our major parties completely, at least to win a Scotch verdict of "not proven." In the first place, they are capitalist parties

say, results in a series of sham battles between two rival sects of politicians, in which those who cast the bulk of the ballots have little to gain beyond the satisfaction of participating on the winning side." Holcombe, *op. cit.*, p. 313.

³⁷ Edition of 1910, Vol. II, pp. 21, 24, 29.

³⁸ "A Criticism of Two-party Politics," *Atlantic Monthly*, CVII (1911), p. 295.

³⁹ *New York Times*, October 5, 1922.

⁴⁰ "New Parties for Old," *World's Work*, Vol. XLIV (1922), pp. 641-645. H. E. Barnes (*op. cit.*, p. 118) says: "In other words real representative party government in the country has for the time being been suspended. . . . To the organization of machine elements the party has become an end in itself, and the income which it receives from the spoils and favors granted to it by the protected 'vested interests' has made it worth conserving, and at the same time has made the party-ring an interest-group of the most persistent and invidious sort."

in the sense that they adhere to the existing social régime and resolutely oppose the collectivist or communist solution. That they reflect in this the overwhelming preponderance of opinion among the voters is demonstrated by the weakness of the Socialist party. Under the circumstances, though disgruntled minorities may complain, neither Republicans nor Democrats can be expected to borrow planks from the Socialist platform.⁴¹ In the second place, assuming that the parties entertain hopes of more or less immediate success at the polls, they must propose only what has, according to reasonable expectation, some chance of acceptance by the majority of the voters. Platforms are manufactured in order to be sold; the character of the product depends upon the condition of the market. If the parties offer shoddy goods, the fault lies not with them, but with the electorate. In the business of mass-production, which the democratic scheme of government entails, practical politicians cannot afford to make artistic masterpieces for the few; and if, in offering a particular article (like free silver), the result shows that they have mistaken the popular taste, they must, in the face of severe competition, stop making it or go into bankruptcy. In Great Britain the Unionist party under Stanley Baldwin brought forward a protective tariff as the chief issue in the campaign of 1923, but suddenly abandoned it when the voters expressed their unequivocal preference for free trade. The tariff issue, as the election demonstrated, stood outside the domain of practical politics for the immediate future. Advocates of protection acquiesced momentarily in the abandonment of their cherished project because they saw that persistence would be merely quixotic and likely to ruin the party that held the gates against the assaults of collectivism. It is almost as true of the politician as of the manufacturer that he gives the people what they want; and, if in America the platforms of the major parties are sometimes

⁴¹ Of course the fact that the parties accept the capitalist régime does not imply that they should prostrate themselves before the capitalists. Their subservience to the "interests" has been vigorously denounced. The late Senator La Follette wrote in *La Follette's Magazine* (July, 1920): "The Republican and Democratic conventions just concluded demonstrate that both these parties are completely controlled through political bosses by the great special interests, and that the election of either of their candidates means a dictatorship of plutocracy and political and industrial servitude for the great mass of the people. . . . Having no other purpose than to protect the monopoly powers of the great financial interests which are their masters, they have joined in permitting the merciless exploitation of the people and are rapidly converting the freest and most beneficent government of the world into a tyrannical despotism."

very much alike, the explanation is that on most political questions no party could take a different line without abandoning its expectations of victory.

Platforms
must
appeal to
doubtful
states

Platforms are put together with the double purpose of satisfying those who already support the party and of winning proselytes among the doubtful voters. Each party can count upon millions of adherents who vote its ticket habitually and who are to a large extent concentrated in certain areas of the country. Because of the instability of political forces at the present time, the situation in 1884 is offered by way of example. The Democrats could count, with absolute assurance, upon winning the ninety-five electoral votes of the Solid South and the fifty-five of the Border: one hundred and fifty votes from fifteen states. Fifty-one additional votes would give them a majority in the electoral college. Where could these votes be obtained? Seeing that the Republicans had a firm hold on eighteen states, with an aggregate of one hundred and eighty-two votes (on the basis of past elections and existing tendencies), the theater of operations was very limited. The doubtful areas were: Connecticut, with six votes; New York, with thirty-six; New Jersey, with nine; Delaware, with three; and Indiana, with fifteen.⁴² Obviously the Democrats could not win without New York, or be beaten if they captured both New York and Indiana. This explains the nomination of Grover Cleveland of New York as presidential candidate, and of Thomas A. Hendricks of Indiana as his running mate. It explains the character of the platform as well. Both parties professed affection for the doubtful states, as essential to their happiness, and wooed them fervently. Cleveland carried New York by 1,100 votes in a total poll of more than a million, and Indiana by 6,500 in a total poll of almost half a million. Indeed, he carried all the five states listed above as doubtful, receiving a surplus of eighteen electoral votes. But Democratic strategy had been dictated by the nature of the battleground.

Their
consequent
vagueness

Campaign managers see little advantage to be gained by an invasion of hostile territory. Their attention is focused upon those doubtful areas where, having a strong nucleus to work from, they may hope to influence wavering voters and gain the ascendancy; and it is not by accident that so many candidates for president and vice-president have been taken from Ohio and New York or that policies have been shaped so often with an eye to their effect upon the eco-

⁴² New Jersey and Delaware had Democratic inclinations; Connecticut and Indiana, Republican.

conomic interests of the Central and Mountain states, New York, and New Jersey. The major parties, then, are based in each case upon certain sections of the country whose economic interests, while diverse, are to some extent complementary or at least capable of being harmonized by adjustments and compromises in the platform; but the competition for power necessarily carries them into neutral territory where, bidding against each other for the same votes, they must resort to further compromises and drain still more red-blood corpuscles from platforms that are already anemic. There is a great deal of hedging and evasion, it is true, but throughout the complicated transaction the politicians have been dealing with a concrete problem and trying to find a common ground upon which great masses of men can be induced to coöperate.

The platforms resemble each other as much in what they leave out as in what they contain. They were silent on the highly controversial subjects of prohibition and woman suffrage.⁴³ That such momentous changes as were embodied in the Eighteenth and Nineteenth Amendments should have taken place without the intervention of the major parties has aroused much critical comment. What was the reason for this singular silence? The reason was that both issues "cut across party lines";⁴⁴ that in neither party did there exist a sufficient preponderance of opinion—having regard to its supporters in the doubtful states as well as in those sections of the country which it dominated—to justify a specific declaration. From the standpoint of the politicians there was too much at stake. The parties are elaborate organizations, spreading over half a continent and serving a vast population. They embrace heterogeneous elements which have been

They avoid
issues that
divide the
party

⁴³ For a time (1876-1884 and 1892), the Democrats opposed prohibition and the Republicans expressed a mild sympathy with temperance reform; but, as the movement gathered strength and aroused corresponding hostility, both parties, for fear of imperilling their solidarity, relapsed into silence. Prohibition was henceforth treated as a local issue, as was woman suffrage when the platforms at last recognized it in 1916. Nor was the Seventeenth Amendment, providing for the popular election of senators, a party issue. The Democratic platform in 1908 demanded it; and, while the Republican platform had nothing to say, the presidential candidate gave it his support in his speech of acceptance.

⁴⁴ The Republican platform of 1932 said: "The principle of national prohibition as embodied in the Amendment was supported and opposed by members of both great political parties. . . . It was not then [at the time of its adoption] and is not now a partisan political question. Members of the Republican party hold different opinions with respect to it, and no public official or member of the party should be pledged or forced to choose between his party affiliations and his honest convictions upon this question."

brought into some kind of accord with infinite difficulty. Politicians are not fond of rash adventure; their conduct is shaped by practical considerations; and, before sanctioning a course that is likely to disrupt the existing combination of sectional interest-groups in the party, they must see how a new combination can be made and how it is going to affect their fortunes.⁴⁵ Their behavior is perfectly intelligible and, in view of the activity of minor parties and other organized groups in promoting the neglected issues, less inimical to the public interest than would be the wrecking of the major parties. As long as these parties perform in other ways services of vital importance to the state, they may, perhaps, be forgiven for evading issues which, if faced boldly, would shake their very foundations.

PECULIAR IMPORTANCE OF AMERICAN PARTIES

For in America the parties do, by reason of their elaborate organization, sometimes by reason of qualities that are most condemned, contribute profoundly to the political and social well-being of the nation. "Nowhere else in the world, at any period," says Professor Henry Jones Ford,⁴⁶ "has party organization had to cope with such enormous tasks as in this country, and its efficiency in dealing with them is the true glory of our political system." What, then, are these burdens that the parties have had to assume; what are the services that they perform? In the first place, they give coherence to the very complicated mechanism of government established under the

⁴⁵ The politicians are sometimes not in a position to determine their own course of action. While they managed to sidestep the money question for over a quarter of a century, the controversy over free silver aroused such strong sectional feeling in the early nineties that it became an issue in the campaign of 1896. Traditional party lines were broken. In the East, Gold Democrats deserted to the Republicans; in the West, Silver Republicans deserted to the Democrats. This issue, says Professor Holcombe (*op. cit.*, p. 236), "broke down the old alignment in national politics. In each party new combinations of sectional interests prevailed over the old, which had given the parties their existing form, and the national leaders on both sides found themselves engaged in a more critical contest than any which had taken place since the Civil War." On the other hand, the Interstate Commerce Act of 1887, regulating the railroads, and the Sherman Act of 1890, regulating the trusts, did not express a party cleavage; for the measures were of such a character that they seemed neither so dangerous to the dominant interests in some sections nor so inadequate to the dominant interests in other sections as to justify a new party alignment.

⁴⁶ *The Rise and Growth of American Politics* (1898), p. 310.

Parties
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federal and state constitutions. To some extent they mitigate the disadvantages of the federal system, harmonizing the policy of state and nation in those cases where political action, to be effective, must take place simultaneously in both quarters. But far more important is their service in neutralizing the effect of the check-and-balance system which, as Woodrow Wilson said,⁴⁷ was intended by the framers of the constitution "to keep government at a sort of mechanical equipoise by means of a standing amicable contest among its several organic parts" and particularly "to prevent the will of the people as a whole from having at any moment an unobstructed sweep and ascendancy." Such an arrangement is hardly compatible with the democratic spirit of to-day; and, since the constitution provides no means of combining the dispersed and disconnected organs of government, the parties, in seeking to control them all and bind them to a common purpose, discharge an essential function.⁴⁸ In the state governments, where so many executive officers are elected and thus made independent of each other, where, as Bryce said, the system seems to be the negation of system and more akin to chaos, this unifying influence is still more essential. A party, once put in command of the various agencies of government, will make them respond to a common impulse and work in harmony. Such power carries with it responsibility; and the voters can in some measure enforce that responsibility by transferring power to the rival party. In the second place the national party organizations alone make it possible for the enormous electorate to function at all effectively. Without them our national politics would take the form of a conflict between innumerable competing groups, a conflict so confused, so obscure and unintelligible, that public opinion, vague enough as we have it now, could not be ascertained at all.

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Finally, the parties have been instrumental in developing and maintaining a sense of national unity.⁴⁹ The American people are not

⁴⁷ *Constitutional Government in the United States* (1908), p. 203.

⁴⁸ It must be observed, however, that the check-and-balance system often prevails against the efforts of party to neutralize it and that its evils are actually emphasized when the presidency is controlled by one party, let us say, and both houses of Congress by the other. In the period 1841-1861 the Democrats controlled simultaneously all the political branches of the government almost half the time, the Whigs for two years (1841-1843); in the period 1861-1943, the Republicans for forty-two years, the Democrats for eighteen (1893-1895, 1913-1919, and 1933-1943).

⁴⁹ Ford, *op. cit.*, pp. 306-310; Allen Johnson, "The Nationalizing Influence of Party," *Yale Review*, 1907, pp. 283 *et seq.* Parties have performed a similar

(3) emphasizing
national
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Parties
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religious
intolerance

homogeneous. There are diversities of religion, of nationalistic origin, and of economic interest which, if allowed free play, might entail disastrous consequences. Whatever its defects may be, the party system is, in the language of Bryce,⁵⁰ "the best instrument for the suppression of dissident minorities that democracy has yet devised." In its efforts to command a majority in the elections, especially presidential elections, it produces a platform which, because of successive dilutions through compromise, may suit no single interest-group entirely, but which suits a considerable number of interest-groups well enough to enlist their support. The process of making a platform, of finding a common denominator, for so many divergent groups and for such a multitude of individuals softens asperities, tones down extravagances, and attenuates the eccentricities of the "lunatic fringe." Disruptive forces are held in check. The parties give no countenance to religious intolerance, which, though less active in this country than in sections of Canada and continental Europe, occasionally manifests itself in aggressive and organized form. In its hostility to Catholics the Ku Klux Klan of yesterday is reminiscent of the Know-Nothings of eighty years ago. Politically it held in the 'twenties a commanding position in several states. Yet in 1924 the Republican platform ignored it and the Democratic platform denounced it (though not by name), deploring and condemning "any effort to arouse religious or racial dissension." The Democrats were forced to take this position because, while the South is predominantly Protestant, their strength in certain doubtful states of the North is to a large degree Catholic.

A second latent danger to national solidarity lies in the presence of large foreign elements in the American population. The great tide of immigration which set in towards the middle of the nine-

service in Australia, South Africa, and Canada. Of Canada Alexander Brady writes (*Canada*, 1932, p. 13): "Associations common to the French and the British provide greater scope for intercourse, the nursing-mother of common sentiment. Chief among these are the political parties in which representatives of the two races meet on an equal footing to discuss principles of action. Nothing in Canada has been of happier omen than the fact that the French have not organized as an exclusive national party. The Tempter has often been present without avail."

⁵⁰ *Modern Democracies*, Vol. II, p. 44. Of Canada Bryce says (*ibid.*, I, pp. 469-470): The party system "has associative as well as disruptive power. On many questions which have nothing to do with race or religion English speakers are in agreement with French speakers, Protestants in agreement with Catholics, so that each political party is composed of both elements, neither of which could afford to offend or alienate the other."

teenth century resembled the movement of the barbarians into the Roman Empire, that continuous penetration which eventually wrecked the Empire and laid upon its ruins the foundations of the modern national states. More than 38,000,000 aliens have been admitted to the United States. According to the census of 1930,⁵¹ persons of foreign white stock (that is, foreign-born or having one or both parents foreign-born) numbered 38,727,593, or almost a third of the whole population.^{51a} Segregated on the basis of country of origin, they might be regarded as forming nationalistic groups of enormous potential strength⁵² and potential danger too. Happily, the United States has shown a remarkable capacity to assimilate these heterogeneous elements; and one of the chief agencies in the process of assimilation is the party organization. It is the melting pot. "In co-ordinating the various elements of the population for political purposes," says Professor Ford,⁵³ "party organization at the same time tends to fuse them into one mass of citizenship, pervaded by a common order of ideas and sentiments, and actuated by the same class of motives. This is probably the secret of the powerful solvent influence which American civilization exerts upon the enormous deposits of alien population thrown upon the country by the torrent of emigration. Racial and religious antipathies, which present the most threatening problems in countries governed upon parliamentary principles, melt with amazing rapidity in the warm flow of a party spirit which is constantly demanding, and is able to reward, the subordination of local and particular interests to national purposes. The extent to which the accidents of foreign nativity or extraction are made use of, to constitute what is known in politics as 'a vote,' is generally regarded as the great weakness of American politics, but it is really a stage in the process of fusion. In order that 'the Irish vote,' 'the German vote,' 'the Italian vote,' etc., shall be recognized as such, they must display a spirit of mutual accommodation and enter into amicable relations."

They
tend to
assimilate
foreign
elements

Nor can those economic forces which tend to divide the people into classes and the nation into sections find full expression through

⁵¹ The data for 1940 are not yet available.

^{51a} Of these 14,204,149 or 11.6% of the population were foreign-born.

⁵² Germany and Austria	7,827,751	Canada	3,337,345
Italy	4,546,875	Russia	2,669,838
Ireland	3,781,522	Sweden	1,562,703
Great Britain	3,658,519	Czechoslovakia	1,382,079
Poland	3,342,198	Norway	1,100,098

⁵³ *Op. cit.*, pp. 306-307.

They
soften the
clash of
economic
interests

the great national parties. Their direction is deflected, their momentum slowed. While the Nonpartisan League could capture the Republican organization in North Dakota and the Democratic organization in Montana, it could not dictate to the national organization of either party. The discontent of organized wage-earners or organized farmers will receive recognition in the platform, but only to the extent that their interests are consonant with the other interests which the party must placate. Although the politicians may seem subservient to big business, they need votes as well as dollars; and over and over again they have promoted reforms, falling short of radical expectation perhaps, but at any rate correcting manifest abuses. The fact that party modifies the force of economic cleavages, not permitting them to develop in full vigor and work out to a logical conclusion, may be illustrated in another way. In a country of such vast extent, diversities of material environment create certain large divisions which possess a peculiar economic life of their own. There is a tendency towards sectionalism. This tendency showed itself most impressively in the events which culminated in the Civil War. One by one the ties that bound North and South together gave way, snapped under the strain. The churches, which by reason of their doctrine of Christian brotherhood might have been expected to preserve their unity at least until the storm had fully broken, split along sectional lines—the Methodists in 1844 and the Baptists in 1845. It was the parties, Whig and Democratic, that held together longest,⁵⁴ hoping to avert the catastrophe; and the "Union savers," though reviled by abolitionists, were justified by the conduct of Lincoln, who declared that he would save the Union with or without slavery as circumstances might dictate. Not only was party organization the last bond of union to give way, but after the war it was the first bond of union to be restored.

Similarity
of plat-
forms an
advantage

The nationalizing influence of party, like its influence in effecting a synthesis of the executive and legislative organs of government, cannot be ignored in any attempt to measure the merits and defects of the American party system. Aside from these considerations, however, the politicians can make a fairly adequate rejoinder to those who condemn their platforms as colorless and represent them as fighting sham battles for the mere sake of power. What good would a program be without the power to enact it? Since it is the business of the party to control the government, only those propos-

⁵⁴ The Whigs till 1852, the Democrats till 1860.

als can be submitted to the people that are at least as likely to be answered by a "yes" as by a "no." In quiet times such proposals may be of no startling significance; the alternative between the two parties, between the "yes" and the "no," may mean nothing but a little more or a little less of the same thing. In political affairs it is, indeed, as desirable as it is natural that the major parties should stand close together in the solutions they propose in important matters; that the swing of the pendulum, bringing now the Republicans, now the Democrats to power, should involve no sudden convulsion.⁵⁵ Periodically, of course, some issue of profound consequence reaches a point of controversy where the nation is fairly divided upon it and where the major parties must take opposite sides or give place to minor parties. But this situation is exceptional. As a rule the chief problems of government are not political but administrative; and it may quite well be that a change in party control, though involving no departure in policy, will bring about a more honest and more efficient administration. At any rate the very persistence of the major parties, the failure of successive efforts to displace them, suggests that they have given satisfaction. Since the election of Lincoln, minor parties have only three times (1892, 1912, and 1924) managed to

⁵⁵ In his *Public Opinion in War and Peace* (p. 162) President Lowell says: "In democratic countries, under ordinary conditions, the efforts of men who advocate a change of policy are directed to securing the favor of a popular majority, or of a majority in the body that purports to represent the people. For that purpose they must seek to win the assent of persons of moderate views, those people who stand in the middle of the road, and who could easily be thrown into the ranks of the opposition by proposals which are too drastic. . . . In popular governments, therefore, the normal tendency is to have the alternatives, whether presented by rival political parties or otherwise, different enough to make an issue, but not so far apart that the men who do not go to extremes will be alienated by either alternative. Both sides keep fairly near to the national traditions; a condition that sometimes causes men of advanced radical views to declare that both of the old parties are hopelessly conservative," Holcombe (*op. cit.*, p. 344) expresses much the same idea. "The responsible party leaders are much more concerned with the adjustment of conflicts between the various interests which make up their respective party combinations than with the creation of clearly defined controversies between the two parties themselves. If the resulting state of national politics is more productive of compromises and evasions, of insincerity and 'bunk,' than of sharply contrasted 'issues,' it also must often be more conducive to domestic tranquillity and impartial justice than bitter partisan struggles over clashing interests which can only result in the unrestrained triumph of one section over another."

carry any of the states for a presidential candidate or to poll as much as 10 per cent of the popular vote.⁵⁶ Usually the combined vote of all the minor parties has fallen below 5 per cent (2.9 in 1932; 2.6 in 1936; .5 in 1940). The electorate seems to feel that a conflict between candidates, without any decided conflict between platforms, is sufficient; there is at least the joy of combat beneath the party banner and in the service of the party leader.

MAINE'S EXPLANATION OF PARTY

Combative
instincts
as a cause
of party

Sir Henry Sumner Maine, in his *Popular Government*, developed a theory of party in which principles and policies did not figure at all. "Party," he contended,⁵⁷ "is probably nothing more than a survival and a consequence of the primitive combativeness of mankind. It is war without the city transmuted into war within the city, but mitigated in the process. The best historical justification which can be offered for it is that it has often enabled portions of the nation, who would otherwise be armed enemies, to be only factions." Or in another passage:⁵⁸ "Party feeling is probably far more a survival of the primitive combativeness of mankind than a consequence of intellectual differences between man and man. It is essentially the same sentiment which in certain states of society leads to civil, inter-tribal, or international war; and it is as universal as humanity. It is better studied in its more irrational manifestations than in those to which we are accustomed. It is said that Australian savages will travel half over the Australian continent to take in a fight the side of combatants who wear the same totem as themselves. Two Irish factions who broke one another's heads over the whole island are said to have originated in a quarrel about the color of a cow. In Southern India, a series of dangerous riots are constantly arising through the rivalry of parties who know no more of one another than that some of them belong to the party of the right hand and others to that of the left hand. Once a year large numbers of English ladies and gentlemen, who have no serious reason for preferring one university to the other, wear dark or light blue colors to signify

⁵⁶ The third-party vote in 1892 was below 10 per cent. In 1924, though newspapers referred to "the third-party movement" and to "the Progressive party," Senator La Follette came forward as an independent candidate. The formation of a new party was to depend upon the extent of popular support in the election.

⁵⁷ P. 101 (edition of 1886).

⁵⁸ P. 31.

good wishes for the success of Oxford or Cambridge in a cricket-match or boat race. Party differences, properly so called, are supposed to indicate intellectual, or moral, or historical preferences; but these go a very little way down into the population, and by the bulk of partisans they are hardly understood and soon forgotten.”⁵⁹

Maine's theory, while accounting for the disposition to form and maintain parties, scarcely explains how they actually come to be formed. Even though men may long to indulge their combative instincts, they must have something to fight about; there must be a controversy of some kind to divide them into contending camps. The facts seem to show that the origin of parties lies in a sharp difference of opinion over political questions. The value of Maine's theory is that it helps to explain the persistence of partisan spirit, and of the organization through which that spirit finds expression, long after the original grounds of contention have been abandoned. That it is more than a fanciful hypothesis is shown by the fact that so many military terms are employed in party politics and that, when actual warfare gives full play to combative inclinations, the sophisticated warfare between the parties stops. Thus, after the outbreak of the World War, the three British parties formed a coalition,⁶⁰ and all the French parties, including the monarchist Right, joined hands in the Sacred

They may at least explain its persistence

⁵⁹ Among those who have accepted Maine's theory is Professor A. F. Pollard (*History of England*, 1912, pp. 127-128); "Party is in the main an organ for the expression of combative instincts, and the metaphors of party warfare are still of a military character. Englishmen's combative instincts were formerly curbed by the Crown; but since the decline of monarchy they have either been vented against other nations, or expressed in party conflicts. The instinct does not commonly require two forms of expression at once, and party strife subsides during a national war. Its methods of expression, too, have been slowly and partially civilized, and even a general election is more humane than a civil war."

Bryce, in his *Modern Democracies* (Vol. I, p. 112), says of party that, "even if intellectual conviction had much to do with its creation, emotion has more to do with its vitality and continued power. Men enjoy combat for its own sake, loving to outstrip others and carry their flag to victory. . . . Nothing holds men so close together as the presence of antagonists strong enough to be worth defeating, and not so strong as to be invulnerable. This is why party can retain its continuity while forgetting or changing its doctrine and seeing its old leaders disappear."

The view developed by Hugh Taylor in his *Government by Natural Selection* and his *Origin of Government*, while consistent with that of Maine, lays emphasis on the struggle for ascendancy between rival leaders.

⁶⁰ That the Irish remained aloof from the party truce was not unnatural in view of the disturbed condition of Ireland.

Union. No elections were held during the war. Party strife was stilled. In the United States, it is true, while there was a notable subsidence of partisan controversy, no coalition was effected. President Wilson repelled every proposal to form a coalition cabinet.⁶¹ But, after all, the situation was less critical here than abroad; and under our rigid constitutional arrangements elections had to occur at stated intervals as in times of peace, thus encouraging the perpetuation of party conflict.

Environment also exerts a strong influence in the perpetuation of party spirit.⁶² Membership in a party, as in a church, is less a matter of decision by the individual on points of doctrine than of pressure by the group to which he belongs. The family group is usually a potent factor. The young man joins the Republican party because his father belongs to it and, unless powerful contrary influences come into play, remains there through habit and inertia. Party allegiance, like property, is often transmitted from generation to generation. Of course, what appears to be family tradition may really be a continuing motive of self-interest; and self-interest becomes the dominant motive when a man's politics is determined by his desire to stand well with his business associates or his social acquaintance, that is, with groups that tend to supplant the family in importance as the young man goes out into the world and makes his own career. Here environment and economic interest usually coincide. Or the impulse may come from a still more extended group. The predominance of one party over a particular section of the country may be so overwhelming, especially among certain classes, that dissent would require strong conviction as

The influence of environment

⁶¹ J. P. Tumulty, *Woodrow Wilson as I Know Him* (1921), pp. 204-205.

⁶² Of the election of 1860 Professor Holcombe says (*op. cit.*, p. 173): "Analysis of the returns shows that inherited political associations or acquired habits of voting played a part in the result scarcely less important than rational conviction. The interest of the farmers and laborers of the North in keeping the public lands of the West open for settlement, whatever might be thought of the institution of slavery, would seem to have been the same, whether they lived in Vermont or New Hampshire, on the shores of the Great Lakes or on the banks of the Ohio. But Vermont had formerly been the strongest Whig state in the Union, and New Hampshire had been the strongest Democratic state in the North. The effects of these long-established partisan affiliations are reflected in the greater strength of the Republican party in the former state than in the latter. The regions adjoining the Great Lakes were settled largely by New Englanders and Western New Yorkers, among whom Whiggism had been relatively strong, whereas the regions adjoining the Ohio were settled more largely by immigrants from Pennsylvania and the Upper South, among whom Democracy tended to predominate."

well as courage. In many parts of the Solid South to-day a white man belongs to the Democratic party as a matter of course.⁶³ Ohio in the early eighties of the last century was a Republican stronghold. "In such an atmosphere as that in the Ohio of those days," says Brand Whitlock,⁶⁴ "it was natural to be a Republican; it was more than that, it was inevitable that one should be a Republican; it was not a matter of intellectual choice, it was a process of biological selection. The Republican party was not a faction, not a group, not a wing, it was an institution like those Emerson speaks of in his essay on Politics, rooted like oak trees in the center around which men group themselves as best they can. It was a fundamental and self-evident thing, like life, and liberty, and the pursuit of happiness, or like the flag or the federal judiciary. It was elemental like gravity, the sun, the stars, the ocean. It was merely a synonym for patriotism, another name for the nation. One became, in Urbana and in Ohio for many years, a Republican just as the Eskimo dons fur clothes. It was inconceivable that any self-respecting man should be a Democrat. There were, perhaps, Democrats in Lighttown; but then there were rebels in Alabama, and in the Kuklux Klan, about which we read in the evening, in the *Cincinnati Gazette*." Of course, environment includes economic factors. Even without consciousness of such a motive, a family or a community may remain Democratic or Republican for a long period as a means of safeguarding its interests.

⁶³ Some years ago Senator Blease of South Carolina said: "We have, all told, in my state twelve or thirteen decent white Republicans, and I doubt if there is a decent man in the state who would invite over three of them into his home to take a meal with him." *Congressional Record*, January 13, 1927, p. 1553.

⁶⁴ *Forty Years of It* (1914), p. 27.

Chapter IX

FURTHER OBSERVATIONS ON PARTY

Parties
formerly
condemned

Party, in its rudimentary forms, is as old as politics; for even among primitive peoples differences of opinion and personal rivalries occur in respect to what may be termed public business. But two characteristics which we now associate with party—that of being recognized as a useful, perhaps a necessary, instrument of the state and that of being equipped with an elaborate organization ramifying through the whole community—mark much later stages of political development. Even under so-called free institutions, extending political rights to a considerable portion of the people, although parties are always found, they are by no means always suffered gladly. At the close of the eighteenth century political philosophers still adopted a tone of condemnation. As they read history, as they pondered over the civil disturbances in the ancient city-states, in the republics of Renaissance Italy, and in the English monarchy of the seventeenth century, party (or faction, as they preferred to call it) appeared as an unwholesome and malignant growth, neither desirable nor necessary, and subversive of good order and the public welfare. They had, says President Lowell,¹ no vision of party government as it exists to-day, “enfolding the whole surface of public life in its constant ebb and flow. . . . It was not unnatural that with such examples before their eyes they should have regarded parties as fatal to the prosperity of the state. To them the idea of a party opposed to the government was associated with a band of selfish intriguers, or a movement that endangered the public peace and the security of political institutions.”

Views of
Madison
and Wash-
ington

This opinion was as commonly held in America as in England. James Madison, in the tenth number of *The Federalist*, speaks of “the unsteadiness and injustice with which a factious spirit has tainted our public administrations.” He attributed to faction the chief, if not the whole, responsibility “for many of our heaviest misfortunes and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one

¹ *Government of England* (rev. ed., 2 vols., 1909), Vol. I, p. 436.

end of the continent to the other." He then proceeded to discuss the ways in which the new constitution would restrain the play of faction and minimize its evil results. Washington deliberately ignored the growth of party antagonisms. He retained Hamilton and Jefferson side by side in the cabinet long after they had become political enemies and were, as the latter expressed it, pitted against each other like two game-cocks. Eventually he had to abandon the idea of reconciling partisan differences. In his second term, after the negotiation of the Jay Treaty, Republican newspapers attacked him with a violence that would not be tolerated to-day, styling him the stepfather of his country, accusing him of incompetence in the late war and of malversation of the public funds as President. It is not strange that in his Farewell Address he should have warned the people "in the most solemn manner against the baneful effects of the spirit of party generally."

He admitted, though with regret, that this spirit is deeply rooted in human nature and that it exists under all governments. But, he said, "in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy. The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this despotism to the purposes of his own elevation, on the ruins of public liberty. The common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it. It seems always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosities of one part against another, foment occasionally riots and insurrection. It opens the doors to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions."

Washington's
Farewell
Address

Language of this kind sounds strange enough to us. Parties have come to be regarded as a useful and wholesome feature of democratic politics. They may be compared to the attorneys for the prosecution and defence who present the case to the jury; and it will hardly be disputed nowadays that the parties, in marshalling their arguments

Parties
now
considered
necessary

and contending for a favorable verdict, facilitate the formation of an intelligent public opinion. The opposition party is no more an enemy of the state than the lawyer defending a man who has been indicted for crime is an enemy of society. If the opposition party attacks the party in power, it does so, ostensibly at least, in the public interest; for the one is not less the servant of the state than the other. Such a conception of partisanship developed slowly in England and the United States as it became clear that the community could be united upon the fundamentals of the political system and at the same time, without danger to the state, be divided upon questions of less moment. That conception was expressed significantly by Sir John Hobhouse when, a century ago, he coined the phrase now so commonly used in England: "His Majesty's Opposition." It is regarded by President Lowell as embodying "the greatest contribution of the nineteenth century to the art of government."² How completely it has come to prevail may be gathered from the Canadian practice of paying the leader of the Opposition the same salary (\$10,000) that the ministers receive³—a practice imitated by Great Britain since 1937.⁴

Their
essential
function
in a demo-
cratic
state

Indeed, parties are recognized as being not only useful, but also, under the régime of universal suffrage, inevitable, like the tides of the ocean.⁵ As long as the suffrage was narrowly restricted—that is, till the era of Andrew Jackson—politics was the peculiar pre-occupation of the propertied and professional classes. The candidates and issues that were laid before the limited electorate could have been determined upon, even though no parties existed, through informal consultation among the leaders. But, when great masses of men have to be set in motion, millions of minds brought to the acceptance of a common basis of action, complicated adjustments must be made in advance of the election. "Thus the chief work of popular govern-

² *Government of England*, Vol. II, p. 437.

³ The salary has been paid since 1905. W. R. Riddell in *The Constitution of Canada* (1917), p. 107, observes: "This affords a very remote analogy with the *advocatus diaboli* in courts which are to pass upon the proposed canonization of a saint—and to the employment and payment by the state of counsel for an accused upon his trial." In New South Wales the leader of the Opposition receives as such £176 a year.

⁴ In this case £2,000, as against £5,000 for members of the cabinet and £10,000 for prime minister and lord chancellor.

⁵ Lowell, *Public Opinion in War and Peace*, p. 175. The same view is expressed by Bryce (*Modern Democracies*, Vol. II, pp. 27–30 and 119–120) and by Elihu Root (*The Citizen's Part in Government*, 1907, p. 40).

ment," says Elihu Root,⁶ "is to be found in the process which results in the vote." It is the parties that develop some semblance of order, out of the chaos of a multitude of voters and that make the modern scheme of democratic government workable. "Their essential function in any democracy," says Lowell,⁷ "and the true reason for their existence, is bringing public opinion to a focus and framing issues for the popular verdict." Observing conditions in England and America, where popular government has had so long a history, "we are justified in saying that the existence of parties is not mainly due to differences of temperament, to conflicting interests, or to the basic forces that create variations of opinion and emotion in mankind, but that they are rather agencies whereby public attention is brought to a focus on certain questions that must be decided. They have become instruments for carrying on popular government by concentrating opinion. Their function is to make the candidates and issues known to the public and to draw people together in large masses, so that they can speak with a united voice, instead of uttering an unintelligible babel of discordant cries. In short, their service in politics is largely advertisement and brokerage."⁸

Now, in the performance of this business of brokerage the first requisite is organization.⁹ How else can vast numbers be regimented and set in motion upon a fixed route? God aids the big battalions, but only when they are subject to a severe discipline and a unified command. Nor, in view of the size of the electorate and the difficulty of harmonizing divergent sectional interests, can the sort of organization that is required be improvised in the face of an approaching election. The work of the parties in rousing and educating and directing the voters, while it becomes far more intense at certain junctures, proceeds con-

It necessitates organization

⁶ *Op. cit.*, p. 40.

⁷ *Public Opinion and Popular Government*, p. 70. See also *Public Opinion in War and Peace*, pp. 175-178.

⁸ *Ibid.*, p. 66.

⁹ "Manifestly, there must be organization; there must be some means by which the vast number of questions which arise in relation to government in our complicated modern life shall be simplified; by which the questions that are vital shall be separated from the comparatively unimportant questions and the people who tend to think alike upon the vital questions may have an opportunity to make their votes effective by voting alike; by which, from the vast number of men who are available for selection to administer the powers of government, some may be indicated as the probable choice of a sufficient number of voters to give some chance of success in voting for them." Elihu Root, *The Citizen's Part in Government* (1907), p. 40.

tinuously. Organization must be permanent. How the American parties are organized will be explained later. Here the point to be emphasized is that party organization has its origin in democratic government—which, indeed, requires it—and that its force and perfection tend to increase in direct ratio with the size of the electorate.

Why
organiza-
tion came
later in
England
than in
America

It has justly been observed that American politics in the modern sense began with Jackson.¹⁰ It was in his period that manhood suffrage became general and that the hierarchical system of party conventions and committees took shape. In the earlier years of the century organization began to develop, it is true, but slowly, keeping pace with the democratic trend and attracting little attention. In fact there is no reference to it in De Tocqueville's *Democracy in America*, which appeared towards the close of Jackson's second administration. Yet it was soon to become the most impressive feature of American politics, contrasting strongly with English practice as it stood in the middle of the nineteenth century. Those who make a comparative study of parties must be struck by the fact that organization—and by this is meant organization as an external authority outside the government—came much later in England than in America, and even now is less elaborate and less sharply defined.¹¹ The usual explanation of

¹⁰ Claude Bowers, *Party Bottles of the Jackson Period* (1922), p. 67.

¹¹ At the close of the last century Henry Jones Ford (in *The Rise and Growth of American Politics*, p. 295) said that "of party as an external authority, expressing its determinations through its own peculiar organs, the United States offers to the world the only distinct example, although tendencies in that direction are showing themselves in England." This statement, however, attributed to the English party organizations less force than they actually possessed at that time. It would have been more accurate if applied to the situation twenty years earlier. Woodrow Wilson in 1908 (*Constitutional Government in the United States*, pp. 211-212) was still more oblivious of the developments which had taken place in European party politics. "Only in the United States," he said, "is party thus a distinct authority outside the formal government, expressing its purposes through its own separate and peculiar organs and permitted to dictate what Congress shall undertake and the national administration address itself to." Elsewhere party is, "in a sense, indistinguishable from the organs of government itself. Party finds its organic lodgment in the national legislature and executive themselves. The several active parts of the government are closely united in organization for a common purpose, because they are under a common direction and themselves constitute the machinery of party control. Parties do not have to supply themselves with separate organs of their own outside the government and intended to dictate its policy, because such separate organs are unnecessary." Party organization developed in the other European countries later than in England. President Lowell, in his *Governments and Parties in Continental Europe* (2 vols., 1896), does not mention it except for noting its absence in France. "The inability

this difference is specious, but unsatisfactory. It is true that from the beginning English parties were organized inside Parliament and that the leaders there, both of the government and of the opposition forces, were accepted as leaders in the country, formulating the policies and directing the campaigns. It is true that this circumstance made an extraparlimentary organization less necessary and, when it actually appeared, less powerful. But in this argument an essential point—quite apart from the fact that American parties in the early days had their congressional and legislative caucuses—is overlooked. American democracy antedates English democracy. Parliament did not extend the suffrage to the city proletariat until 1867 or to the agricultural laborers until 1884.

It was the electoral reform of 1867—"the leap in the dark"—that led to the founding of the National Union of Conservative and Constitutional Clubs;¹² and it was the sweeping Conservative victory of 1874, apparently demonstrating the value of organization, that three years later brought into being the National Liberal Federation. Henceforward national party conferences—delegate conventions, we should call them—met every year to discuss party problems, though not to name the party leaders. In each constituency, too, the rank and file of party members took on a more active rôle. Bryce remarks that in 1880 many ("I think most") Liberal candidates in the boroughs, where manhood suffrage prevailed, and *some* in the counties, where suffrage was still restricted, were nominated by the local party associations, but that in 1885—just after the extension of manhood suffrage to the rural districts—"all or nearly all new Liberal candidates were so chosen, and a man offering himself against the nominee of the association was denounced as an interloper and a traitor to the party."¹³ Phenomena which had long been familiar to America were now, with modifica-

Result of
extended
suffrage

to organize readily in politics," he says (Vol. I, p. 107), "has this striking result, that vehement as some of the groups are, and passionate as is their attachment to their creeds, they make little effort to realize their aims, by associating together their supporters in all parts of the country for concerted action. In fact, there may be said to be no national party organizations in France." But several French parties were well organized outside parliament in 1940, as they had been, indeed, for thirty years. That such organization did not come immediately in the wake of manhood suffrage, as in England and America, may be attributed, perhaps, chiefly to the shorter experience of France with popular institutions and to the centralized administrative system which curtailed local self-government.

¹² Monypenny and Buckle, *Life of Benjamin Disraeli* (6 vols., 1910-1920), Vol. V (1920), pp. 184-186.

¹³ *American Commonwealth* (ed. 1910), Vol. II, note, pp. 80-81.

tions of form, becoming equally familiar to England. In the light of the converging experience of these two countries, reinforced by the more recent experience of continental European countries, extra-governmental party organization must be regarded as a necessary consequence of universal suffrage.¹⁴

STATUTORY REGULATION OF PARTIES

American
parties
no longer
voluntary
associations

No longer is partisan machinery outside of the legal machinery of the state, paralleling it unit by unit and providing its motive force, peculiar to America. But here, in the last half-century, a development has taken place which finds an analogy nowhere else. American parties have ceased to be voluntary associations like the trade unions or the good government clubs or the churches. They have lost the right freely to determine how candidates shall be nominated, leaders chosen, and platforms framed, and even who shall belong to the party. The state legislatures have regulated their structure and functions in great detail.

The theory
underlying
regulation

The question arises as to whether this momentous change should be ascribed to the exceptional conditions of American political life or whether it simply marks a stage of evolution which European politics has not reached. On the one hand, the argument usually employed to justify regulation in America has more than a local significance. According to this argument, it is just as important for the state to control the process of nomination as to control the process of election. While in theory any number of qualified persons may be nominated, in practice the choice lies between the candidates of the major

¹⁴ Canadian and Australian practice may be consulted with profit. In Australia the Labor party, consisting of all trade unionists and such others as pay membership dues to the local branch, holds primaries (under another name) for the selection of candidates and of delegates to the state conference. That conference adopts a platform and sends delegates to the Commonwealth conference. Members of Parliament are bound by the caucus whenever its decisions concern the Commonwealth platform of the party. W. K. Hancock, *Australia* (1930), pp. 197-221. "Under the traditional English convention," Hancock observes (p. 211), "which makes the electorate the grand inquisition of the nation and forces responsibility upon the strongest body within the legislature, the party system cannot fail to remain, what it has always been, an instrument for governing society and not an instrument for turning it upside down." Yet, admitting that party organization is withdrawing power from the old, inherited institutions, he asks whether a new political framework is being prepared and whether parliament will become merely a "dignified" part of the constitution, perhaps not even that.

parties, and the election takes the form of a conflict between rival party tickets. If, then, the party organizations, instead of being responsive to the will of the rank and file, tend to fall under the domination of an oligarchy, the election itself, upon which the character of the government depends, is vitiated. Democracy is poisoned at its source; and the logic of the situation forces the state to intervene.¹⁵ On the other hand, it was not theory, but concrete abuses that led to this intervention.

In the previous chapter it was remarked that, because of the complicated structure of our government and the heterogeneous character of our country and its population, American parties are faced with formidable responsibilities. This circumstance has increased their power and emphasized the need of strong organization. In the period of Andrew Jackson they built up, for the purpose of controlling the government, a representative system of their own, alongside of the government and yet quite distinct from it. The system of delegate conventions operated from the first under adverse conditions; for, through the multiplication of elective offices and the shortening of

The immediate cause

¹⁵ The evolution of political parties in the United States may well be taken as foreshadowing in some measure the course which will be followed in Europe; for American democracy is older and more highly developed. European parties have latterly shown a disposition to set up elaborate machinery very much as the American parties did in the period of Andrew Jackson. This is particularly true of the Socialists and of the other parties of the Left, which are free from all aristocratic tradition. It is not unreasonable to assume that, as organizations become more complete, government will undertake to regulate the parties and deprive them of their character of private associations. Bryce remarked in the *American Commonwealth* (Vol. II, pp. 77-79) that to the American party the selection of candidates, "the choice of those members of the party whom the party is to reward, and who are to strengthen it by the winning of the offices, becomes the main end of its being," but that the process of nomination "has been little regarded in Europe." This striking difference he ascribes to the greater maturity of popular government in America. "The theory of popular sovereignty requires that the ruling majority must name its own standard-bearers and servants, the candidates, must define its own platform, must in every way express its own mind and will. Were it to leave these matters to the initiative of candidates offering themselves, or candidates put forward by an unauthorized clique, it would subject itself to them, would be passive instead of active, would cease to be worshipped as the source of power. A system of selecting candidates is therefore not a mere contrivance for preventing party divisions, but an essential feature of matured democracy. It was not however till democracy came to maturity that the system was perfected." The increasing importance which European parties attach to the process of nomination has, in the light of these observations, a very real significance. I refer, of course, to the situation before 1940.

terms, the newly-enfranchised masses were asked to perform impossible tasks, and, through acceptance of the doctrine that "to the victor belong the spoils," the public welfare was obscured by the abuse of patronage. Later, the enormous influx of immigrants, unfamiliar with American institutions and democratic ideals, increased the power of unscrupulous politicians. Indeed, the people as a whole abandoned politics to the politicians, their energies being absorbed in the supreme task of conquering the continent, laying hold of its natural resources. The American, as Walter Weyl has expressed it,¹⁶ "with his own business to attend to, had neither leisure nor inclination for the drudgery of running the government. Consequently, the making of nominations, the control of elections, the division of spoils, and other profitable labor came to be the work of a despised ruler, the professional politician. The government of the nation passed from the legislative halls and the executive chambers to the unknown meeting places of party bosses. The election became subordinate to the party primary; the voter, to the ward heeler. The party became supreme."¹⁷ As the country developed, spoils far more valuable than official patronage came within the reach of the successful politician—profits from the sale of franchises, profits from the awarding of contracts for public works. Fortunes could be made through the control of municipal councils and state legislatures. Now, since the voters were practically limited in their choice to the candidates named by the party conventions and since the party primaries determined the membership of those conventions, the key to corrupt profits lay in the manipulation of the primaries. The professional politician put the key in his pocket; and so glaring did the abuses become, so shameless were the methods employed, that, in default of voluntary reform from within the parties, the state imposed mandatory reform from without.

Ballot laws
open the
way to
regulation

The necessary impulse towards thoroughgoing primary reform came from a change in the methods of election. In state after state, beginning with Massachusetts in 1888, the secret Australian ballot, printed by public authority and distributed within the polling place, was adopted. The laws introducing the new type of ballot (in Amer-

¹⁶ *The New Democracy* (1912), p. 56.

¹⁷ "When after 1828 the old-time aristocrats went out," Weyl continues, "the position of politician—of caretaker of American liberties—was offered to whomsoever would accept. Politics was business, but in America it was low-grade business, like saloon-keeping. Not offering the boundless possibilities of other enterprises, it attracted a poorer quality, of men. In De Tocqueville's day an American was not ordinarily intrusted with public business until he had signally failed in his private business."

ica, though not in Australia or England) recognized the nominations made by political parties. As a distinction was made between party candidates and other candidates (the latter having to secure the signatures of a prescribed number of voters), for the first time a legal definition of party had to be given. In most states party was defined as a political organization casting a certain proportion of the aggregate vote cast at the preceding election.¹⁸ The parties thus ceased to be mere voluntary groups unknown to the law. The first step had been taken in the process by which they were to be reintegrated with the government and openly acknowledged as public agencies; and, once having begun to regulate party affairs, the law found itself moving by successive steps, the inevitable consequence of the first step, towards complete regulation. Now that the parties had been conceded a privileged status, now that the names of their candidates were entitled to appear on the official ballot, what more natural than to prescribe the methods by which those candidates should be chosen? In the process of choosing party candidates abuses had appeared that called for correction; and even before the adoption of the Australian ballot the first statutory palliatives had been applied.¹⁹ The movement gathered rapid headway in the nineties; in the first decade of this century it attained such momentum as to carry it through the whole field of party operations and to establish as firmly as law can do so the principle that the political party, like the state itself, should be governed by its members.

The completeness of this statutory regulation, outside of the Solid South, is very striking. In the first place, the state defines party, not according to its essential character or function, it is true, but arbitrarily according to size—the number of votes cast in the preceding election.²⁰ In the second place, the state deprives the party of control over its own membership, prescribing tests for admission to the primaries on which the whole party structure is based. Such tests vary greatly in

Present
extent
of state
control

¹⁸ The proportion ranged from 1 per cent to 10 per cent. F. W. Dallinger, *Nominations for Elective Office in the United States* (1897), pp. 174-176.

¹⁹ The course of legislation is sketched by C. E. Merriam and Louise Overacker in *Primary Elections* (1928).

²⁰ There are various reasons for this: the desire of the major parties to limit the number of candidates and discourage minor parties; still more, perhaps, motives of economy, because usually the primaries of parties which have received official recognition are conducted at public expense. In New York the required number of votes is 50,000. In most states it is a percentage of the total vote, ranging from 1 in Maine to 10 in Idaho, and even 20 in Alabama, 25 in Virginia. Florida now requires a membership equal to 5 per cent of total registration.

rigor; they may involve a declaration that the voter supported the party generally in the last election and intends to vote for a majority of its candidates in the next election, or, as in California, a mere statement of intention to affiliate with the party. In eight states,²¹ where there is no membership test of any kind, the voter can choose and change his party at will and secretly. In the third place having determined what a party is and who may belong to it, the law proceeds to regulate all its fundamental concerns. The old representative system of delegate conventions has been all but swept away. It has not entirely disappeared, but where it still persists, sometimes to nominate candidates for state-wide offices, its composition must conform to detailed legal requirements; and even the national convention, though escaping federal control, has been affected by state legislation under which delegates are chosen directly at the primaries and pledged to support particular candidates. The primary, now that its functions have been expanded to include the election of party committees as described in the law and the nomination of candidates for almost all public offices, has become known as the "direct primary." It has been assimilated to the general election. The whole procedure is surrounded, as in the general election, by elaborate safeguards against corruption. The officials are appointed and the ballots printed by public authority. The direct primary takes the form of a preliminary election, an elimination contest which, though held separately for each party, is conducted under the auspices of the state; and the party, shorn of its former independence and standardized to comply with government specifications, survives as an agency which the state finds it convenient to use and which, indeed, it cannot do without.

Effect of
statutory
regulation

Opinion will differ upon the wisdom of this mechanical reorganization of party as an official instrument of the state. The flagrant abuses which had deflected party from the ideal of public service and brought it under the dominion of private interest may have justified so bold a departure. Whatever the cause, there has been a marked improvement in the tone of party politics. A corrupt machine cannot so easily be maintained to-day in defiance of public opinion. Now, it is quite possible that the degradation of parties in the period following the Civil War merely reflected, while perhaps exaggerating, the selfish, materialistic standards which prevailed in the business community and that no mechanical change by statute would suffice to raise those standards. But the American spirit is impatient of delay; the passion

²¹ Idaho, Michigan, Minnesota, Montana, North Dakota, Utah, Washington, and Wisconsin.

for change runs strong. What Chesterton said of Christianity—that it had not been tried and found wanting, but found hard and not tried—may have some application to our old voluntary party system. Did its sickness mark a constitutional weakness or was it the familiar malady that, becoming epidemic, had infected in some degree the whole of American society? Was the remedy to be found in a surgical operation performed by the legislature or in the slow process of building up the resistance-power of the patient and administering, in liberal doses, the tonic of public opinion? No one can say how much the surgical operation contributed to the cure (so far as there has been a cure), but it seems to have left the patient in a state of debility, perhaps of chronic invalidism. Herbert Croly, in the course of his diagnosis, says that “by popularizing the mechanism of partisan government the state has thrust a sword into the vitals of its former master. . . . A party is essentially a voluntary association for the promotion of certain common objects. It presupposes a substantial agreement of opinion and interest among members of the party, and a sufficient amount of mutual confidence. If they differ vitally in interest and opinion, and have little or no confidence in one another, the association should not be regulated; it should to that extent be dissolved. By regulating it and by forcing it to select its leaders in a certain way, the state is sacrificing the valuable substance of partisan loyalty to the mere mechanism of party association. Direct primaries will necessarily undermine partisan discipline and loyalty. They will make it more necessary for every voter to belong to either one of the two dominant parties; but the increasing importance of a formal allegiance will be accompanied by diminished community of spirit and purpose. Such is the absurd and contradictory result of legalizing and regularizing a system of partisan government.”²²

THE TWO-PARTY SYSTEM

The American party system is unique in the fact that it has been overlaid by statutory prescriptions and mechanically articulated with the government. In another respect it contrasts with the system that prevailed, before 1940, in continental Europe. There the parties were numerous; none of them could hope to develop anything like the strength needed to control the legislature. In the election of 1924 the Social Democrats, most powerful of the eight parties in Germany, won little more than a fourth of the seats. In the Dutch elections of

Contrast
between
the Con-
tinental
party
system . . .

²² *Progressive Democracy* (1914), pp. 342-343.

1937, with a dozen parties concerned, the Roman Catholics won thirty-one of one hundred seats; next came the Socialists, who won twenty-three seats. There were more than a dozen "groups" in the French Chamber of Deputies. After the elections of 1936 the strongest of them—the orthodox Socialists—held 146 of the 618 seats; and the Radical-Socialists, with 116 seats, came next.²³ Now, the French cabinet, being responsible to the chamber, must command a majority; and, since the popular vote gave no party as much as a quarter of the deputies, the majority must be evolved through the temporary combination of several groups. The Socialist Blum became premier, backed by a bloc of all the groups of the Left, known as the Popular Front and having a total of 381 votes. A year later he gave way to the Radical-Socialist Chautemps. Within six months Chautemps reconstituted his ministry, dropping Blum and other Socialists. For a brief period (March 13 to April 8, 1938) Blum once more held office in an unsuccessful attempt to restore the Popular Front. But his successor, Daladier, formed a homogeneous Radical-Socialist ministry and looked to the groups of the Center to recompense him for losses on the Left. In the light of this election of 1936, who could have foreseen that the Chamber, halfway through its mandate of four years, would sanction a fundamental shift in the policies of the government?

... and
the Amer-
ican

In the United States, on the other hand, national elections have taken the simpler form of a contest between two great parties: first between Federalists and Republicans, later between Whigs and Democrats, and from 1856 between Republicans and Democrats. Other parties have appeared; during the last half-century two or three have appealed for popular support in every presidential election; but so slight an impression have they made upon the electorate—their proportion of the aggregate vote usually falling well below 5 per cent ²⁴—that it is customary to describe American politics as being based upon the two-party system. This difference in practice is very important as well as very striking. In the United States the people decide at the election between two candidates for governor or President, assemblyman or representative in Congress, and between two platforms which will presumably bind the men who are elected to office.

²³ The Republican Federation, on the Right, held 88 seats. Four of the five groups of the Center—with 84 seats—were associated as members of the Democratic Alliance, an extraparlimentary organization that was working for the formation of a powerful center party.

²⁴ The percentage in 1932 was 2.9; in 1936, 2.6; and in 1940, .5.

But in France, let us say, the accommodations and compromises which occur within each of the great American parties in advance of the election were made between party groups in the Chamber of Deputies after the election; and, because of the shifting alliances of these groups, the same chamber, in the course of its four-year term, might give support successively to half a dozen different cabinets and half a dozen different declarations of policy.

The question as to why there should be two dominant parties in the United States and a multiplicity of parties in continental Europe has proved rather baffling to students of politics. Various explanations have been offered. It is natural that those whose interest is absorbed in examining the institutions of a particular country should lay great emphasis upon purely local causes.²⁵ According to Professor Holcombe, for instance, certain features of American government interpose effective obstacles to the multiplication of parties in national politics. He instances, first, the fact that many issues which engage the attention of party leaders in other countries—religious and racial, social and economic problems—are, under our constitutional arrangements, excluded from federal jurisdiction; and, secondly, the fact that, if the contests for the presidency were not confined substantially to two parties, the requisite majority in the electoral college could not be obtained.²⁶ These circumstances, and especially the latter, must be given some weight; as contributing factors they may at least have strengthened a disposition already formed. But any ultimate explanation of the two-party system must apply with equal force to Great Britain, where the system originated and still persists²⁷ and where the circumstances just alluded to are completely wanting. The two-

Why the contrast?

Explanations must apply alike to England and America

²⁵ This is the attitude taken by Lowell in explaining the multiplicity of parties in France (*Governments and Parties in Continental Europe* (2 vols., 1896), Vol. I, pp. 101 *et seq.*) and in Germany (*ibid.*, Vol. II, pp. 46-48).

²⁶ *The Political Parties of To-day* (1924), pp. 315-317.

²⁷ For brief periods there have been three and even four parties in Great Britain. Consider the Peelites (Gladstone belonged to that group), who broke from the Tories or Conservatives over free trade, only to be absorbed very soon in the Liberal party; the Irish nationalists, who held the balance of power in several parliaments, but who disappeared with the creation of the Irish Free State; and the Liberal-Unionists, who broke with Gladstone over Irish home rule, formed a coalition with the Conservative party, and were eventually merged in it (under the name of Unionist party, 1912-1923, then of Conservative). The rise of the Labor party, a generation ago, introduced a fresh complication; but there are abundant signs that the Liberal party is falling apart and that its adherents are passing to the Conservative party on one side and to the Labor party on the other. No one should be deceived by

party system has also prevailed in Canada, notwithstanding the existence of a pronounced religious and racial cleavage there, and it tends to prevail in the other British Dominions.²⁸ It might, therefore, be regarded as a characteristic feature of Anglo-Saxon polity, whether it has become such through historical accident or through a racial aptitude for practical politics or through the longer experience of the English-speaking peoples with popular self-government.

Evolution
of English
parties

The two-party system developed first in England, originating in the seventeenth-century struggle between king and parliament and assuming more definite form in the eighteenth century. It was not an artificial contrivance, the outcome of a conscious plan, of a belief in its superiority. Like other English institutions, it grew spontaneously under the play of circumstances and was transmitted to the colonies as a part of their political heritage. As the system matured, with the two parties contending for mastery and appealing for public support in a continuous debate, its virtues came to be appreciated. A philosophy was devised to explain and justify it. After all government is a practical art; and, while the varieties of interest and opinion

Liberal publicists who, unwilling to look at the writing on the wall, assert that Great Britain will henceforth be a three-party state.

²⁸ In fact, a study of Dominion politics would amply repay any one interested in the two-party phenomenon. In the Irish Free State (now Eire) minorities were protected, especially by the system of proportional representation; there was some expectation that, like Continental legislatures, the Dáil would function through numerous groups. In the first election the two strongest parties won only 69 per cent of the seats; in the election of 1933, they won 84 per cent, and at last Fianna Fáil alone had a clear majority of all the members. The process of consolidation has continued. After the election of 1938 De Valera could govern without any need of looking beyond Fianna Fáil for support.—With the rise of the Labor party in Australia the Conservatives, in spite of conflict over the tariff, coalesced with the Liberals. Seven years later secessionists from the Labor party combined with the Liberals to form the Nationalist party; and in 1931 a new group of secessionists combined with the Nationalists to form the United Australia party. Meanwhile farmers had broken with the Nationalists and formed the Country party. While still maintaining a separate organization, the Country party has taken office, from 1922 to 1941, in coalition cabinets, first with the Nationalists, then with United Australia.—In Canada Liberals and Conservatives have survived the appearance of several third parties that, for a moment, threatened their ascendancy. In 1921 the Progressives (a farmers' organization) held the balance of power, outnumbering the Conservatives. Four years later they lost forty-one of their sixty-six seats. After the election of 1926 they fell apart in three factions.—The evolution of parties in the Union of South Africa is particularly interesting. In 1920, after the rise of the Nationalist party, the Unionists fused with the South African party; and the latter fused with the Nationalists in 1934.

which are found in all communities would seem to require numerous parties for their adequate expression, a choice between two alternatives is more likely to reflect the average point of view.²⁹ Electoral procedure is simplified, made more intelligible to the masses, who would be bewildered in the presence of half a dozen possible solutions, but who, like the jury in a criminal court or the audience at a public debate, can readily decide between two conflicting arguments. It is a practical method, one that gives stability and coherence to politics; and possibly it illustrates the practical bent of the Anglo-Saxon mind.

Of course, racial qualities are sometimes discovered where they do not exist, and more often exaggerated where they do exist. It is clearly hazardous to interpret phenomena which occur among several peoples in terms of the idiosyncrasies of each one. There is room for skepticism when the number of German parties is attributed solely to an intense individualistic spirit and a love of abstract thinking,³⁰ or the number of French parties mainly to a theoretical disposition and an incapacity to organize in politics.³¹ But it will be conceded that, to a considerable degree, the English-speaking peoples are less doctrinaire in politics, less inclined to sacrifice the attainable to the ideal, less ready to adhere to hopeless causes and use their ballots in a mere gesture of discontent. Marxian Socialism becomes Fabian Socialism

Does the two-party system reflect political maturity, or racial qualities?

²⁹ When there are three or more candidates, for example, the one that receives a plurality of the votes may quite well stand furthest from the average opinion. See Lowell, *Public Opinion in War and Peace*, p. 148.

³⁰ Fritz-Konrad Krüger, *Government and Politics of the German Empire* (1915), p. 9. Cf. Lowell, *Governments and Parties*, Vol. II, pp. 46 and 48, where he says that the German people are "too little homogeneous, and their traditions of thought are too diverse, to allow any large part of the people to work together for a common end" and that "the German has a strong love of intellectual independence, and dislikes the idea of subordinating his opinion to that of another man, or of being supposed to take his views wholesale from some one else." The late war demonstrated something entirely different, as do the Nazi régime and the present war. What people have been so regimented?

³¹ Lowell, *op. cit.*, Vol. I, pp. 105-106. The author admits that this incapacity is curious "because in military matters they organize more readily than any other people in the world." In reality the Unified Socialists and Radical-Socialists had, until 1940, very effective organizations. In Italy there were—before the Fascists took control—numerous parties. Yet in the same work (Vol. I, p. 214) Lowell characterizes the Italians as "very different from the French. They are not attached to the same extent to abstract theories, and hence they do not form a number of parties or groups, each clinging obstinately to an ideal form of government, and striving to bring about an ideal organization of society."

in England; the monarchy is adjusted to meet the needs of a republican age; and the rivalry of religious sects is ignored because of the inconvenience of recognizing it. In the United States, as in Europe, there are cross-lines of political cleavage which give rise to numerous parties: Socialist, Socialist Labor, Communist, Prohibition. It is, nevertheless, correct to speak of a two-party system, because, though the minor parties are many, their supporters are few; and the chief reason why they command so few votes is that, from practical considerations, perhaps from a mere sense of the futility of wasting votes on hopeless causes, Americans concentrate in the two major parties. This practical bent may not be rooted in the character of the race. It may proceed, as already suggested, from a prolonged experience with popular government. Indeed, Elihu Root, in sketching the evolution of self-government, maintains that the two-party system represents a later stage of development and a higher type than the multiparty system of continental Europe.³²

Two-party
system
condemned

The system has not escaped criticism. According to the late Dr. Ramsay Muir,³³ "it has distorted our [the British] system of government by dividing Parliament into two serried and disciplined armies, a majority whose primary aim is to keep a party Government in office, and a minority whose primary aim is to discredit it in order to replace it. This gives unreality to the proceedings of Parliament, and has gravely weakened its prestige in the eyes of the nation. Be-

³² *The Citizen's Part in Government* (1907), pp. 70-78. The tendency in Continental parliaments to form blocs—that is, more or less durable alliances between certain groups—for the purpose of securing a constant majority for the government may foreshadow a more or less permanent consolidation of parties. The group system is condemned as a cause—perhaps the right word is symptom—of instability even in the countries that adhere to it. Italian Fascists and German Nazis profited by the chaos of politics and the consequent weakness of the executive.

³³ *How Britain is Governed* (1930), p. 150. In another passage (p. 6) he says that "the Opposition acts on the pestilent doctrine that it is the duty of an Opposition to oppose: its primary aim is to discredit the Government, in the hope of ousting it and taking its place. This is what is called the Two-party system, and we are told that it is a monument of human wisdom. But the ordinary man finds a difficulty in believing it. It seems to him unnatural to assume either that the Government can always be right, or that it can always be wrong. It seems to him that supporters of the Government must often vote in favor of things which they know to be wrong, and members of the Opposition must often vote against things which they know to be right. It seems to him that in such circumstances debate and discussion must often be unreal and insincere; and that in any case they must be a mere waste of time, since their results are predetermined."

cause the Opposition will seize every possible opportunity of discrediting the Government, the Government party must swallow its scruples, and support the Government in all it does, abdicating the duty of frank and candid criticism except when it is not likely to have any serious result. This is the foundation of Cabinet dictatorship, and behind the cloak of Cabinet dictatorship bureaucracy, as we have seen, grows daily more powerful." Muir is not engaging in a general denunciation of party politics. He is combating a prevalent belief in the superiority of the traditional British system, and doing so because the Liberal party, in which he has long been active, can have no place in such a system. He has no use for a doctrine that would reserve the parliamentary stage for Conservatives and Laborites. He will not allow himself to contemplate the extinction of the Liberal party. Nor will he acquiesce in the verdict of expert diagnosticians that Liberalism, having exhausted its useful rôle, should cease to cumber the ground. He has persuaded himself to believe in the virtues of a three-party system.³⁴

Encomium is far more common than criticism.³⁵ It would be tedious to enumerate the writers of distinction who take a view that is very different from Ramsay Muir's. To find a pluralist like Laski among their number may occasion surprise. His comments are worth quoting.³⁶ "The superiority of a two-party system over a multiplicity of groups is above all in this, that it is the only method by which the people can at the electoral period directly choose its government. It enables that government to drive its policy to the statute-book. It

and justified

³⁴ Professor R. M. MacIver is more cautious in his criticism (*The Modern State*, 1926, pp. 418-419). "Certainly," he says, "the two-party system pays a price for the more stable government which it provides. The citizen has a narrower choice. The independent voters are faced with the dilemma that they must either accept the simple antithesis of two parties, or, rejecting it, make their votes of no avail, unless perhaps to aid indirectly that party to which they are more opposed. . . . Under the multiple-party system the leader bargains more or less openly for support, under the two-party system he must silently accommodate himself to the common level on which all his supporters can meet. Under such conditions the party 'machine,' the secret-working group of professional politicians, gains authority. . . . Its grossest form is the 'spoils system,' and it is not without significance that this system should have developed most flagrantly in the United States, where the two-party principle dominates more than anywhere else." MacIver admits that other causes have contributed to the establishment of the spoils system.

³⁵ For a dispassionate criticism see Henry Sidgwick, *The Elements of Politics* (4th ed., 1919), pp. 593-603.

³⁶ H. J. Laski, *A Grammar of Politics* (1925), p. 314.

makes known and intelligible the results of its failure. It brings an alternative government into immediate being. The group-system always means that no government can be formed until after the people have chosen the legislative assembly. It means that the executive will represent, not a general body of opinion, but a patchwork of doctrines which compromise their integrity for the sake of power. It means, also, short-lived administrations, since reshuffling of the groups to overthrow the government is the most interesting exercise in which the legislature can indulge. Short-lived administrations always mean that no coherent policy can be realized. While the group system probably reflects more accurately the way in which the popular mind is actually divided, it is fatal to government as a practical art. For the essential need in administration is the absence of uncertainty."

CRITICISM OF THE PARTY SYSTEM

Ostro-
gorski's
substitute
for exist-
ing parties

While the peculiar functions of party have now come to be understood and generally accepted as essential to the successful working of democracy on a large scale, criticism still continues. Indeed, the volume of complaint and condemnation has increased in the present century.³⁷ There has been, as already noticed, a disposition to regard party programs as hollow and insincere, as calculated hypocrisies, indicating a thirst for power for the sake of power and a partisan rivalry devoid of principle. Most of the critics do not dispute the necessity of parties. They level their attacks against defects of form and method. The late Goldwin Smith, while admitting that there must be party divisions "as often as differences of opinion on vital questions arise," persistently denounced those excesses under which "government becomes standing machinery for the demoralization of the people."³⁸ Ostrogorski, in his elaborate treatise on the party systems of Great Britain and the United States, develops much the same point of view. He admits that parties are indispensable.³⁹ But he insists, in the first place, that a voter who agrees with a single point in the platform should not be compelled, in order to get that point

³⁷ For a summary of the chief grounds of criticism see Bryce, *Modern Democracies*, Vol. I, p. 117.

³⁸ *Canadian Magazine*, Vol. XXIX (1907), pp. 299 *et seq.*, and *North American Review*, Vol. CLXXXVIII (1908), pp. 641-649. See also J. N. Larned, "A Criticism of Two-party Politics," *Atlantic Monthly*, Vol. CVII (1911), pp. 289-300.

³⁹ *Democracy and the Organization of Political Parties* (2 vols., 1902), Vol. II, p. 652.

carried, to accept all the other points; and, in the second place, that parties, when once the questions which divided them have been settled, can have no excuse for prolonging their existence. He therefore advocates numerous parties, each devoted to a single purpose, organized to promote a single issue—"combinations forming and re-forming spontaneously, according to the changing problems of life and the play of opinion brought about thereby. Citizens who part company on one question would join forces on another. . . . Organized *ad hoc*, party will no longer be able to produce by way of title a sort of apostolic succession or to hang out an old sign which has the power of attracting customers. . . . Instead of giving a wholesale and anticipatory adhesion to a single organization and to the direction which it will impart to all the political problems that may arise, the citizen will be enabled and obliged to make up his mind on each of the great questions that will divide public opinion. By joining one of the parties which will be formed on this occasion, he will know exactly what he wants, what is the issue, to what he gives his adhesion, where he is going, and how far he will go. . . . With whatever combination he connects himself, he will always be able to differ from his associates on all points other than those which have brought them together." ⁴⁰

This ingenious proposal has, as its originator states the case, much to recommend it. Party would be based solely on principle. The voter would select what he regarded as the outstanding issue of the campaign and join the organization which reflected his opinion. But such a scheme, however attractive in theory, could not easily be accommodated to the requirements of practical politics. Would it be possible in an enormous country like the United States, as each new issue arose, to improvise national parties with the complicated organization needed for the purposes of propaganda? Would the voter be contented to register his opinion on one issue alone? Apparently he would not be so restricted; for, we are told, the candidate may "give his adhesion to more than one political movement" and "offer himself to several organizations." ⁴¹ In that case the voter, faced by the program of a candidate, would be little better off than he is now, faced by the program of a party; and, making this concession, Ostrogorski seems to sacrifice a great part of what his plan of *ad hoc* parties is intended to achieve. In the end every advantage over the present arrangements seems to disappear. Not only must the candi

Its defects

⁴⁰ *Democracy and the Organization of Political Parties*, Vol. II, pp. 658, 661.

⁴¹ *Ibid.*, pp. 668-669.

date, in order to secure the support of the majority, declare himself on most of the important issues (and not simply upon the single issue presented by one of the numerous parties), but, entering Congress, he must make compromises and concessions when he identifies himself with one or other of the two major groups which almost inevitably would take form there. As a matter of fact, Ostrogorski's numerous single-issue parties look very much like the non-party organized groups with whose propaganda we are so familiar to-day. These groups perform a valuable service; but there remains a still more valuable, an essential, service which they cannot perform. The business of brokerage, of bringing vast numbers of men together on a common ground of political action, justifies the persistence of parties as we have them.

Proposals
of Herbert
Croly and
Frank
Crane

Other critics push their objections so far as to demand the scrapping of party altogether. According to Herbert Croly,⁴² the parties "seek to accomplish for a democratic electorate certain purposes which such an electorate ought to accomplish for itself. The system results in the organization of an artificial majority and an artificial minority, bound together by partisan traditions,⁴³ personal loyalties, community of interest, and to a minor extent by common ideas of public policy. The individual citizen can be politically effective only in so far as he becomes a member of one or other of these parties; and as a member of one or other of these parties he is committed to the sacrifice of his personal and of his class convictions for the sake of partisan harmony. In this respect the system costs too much." Croly proceeds to insist⁴⁴ that the destruction of the party system is "an indispensable condition of the success of progressive democracy. . . . Party government has interfered with genuine popular government both by a mischievous, artificial and irresponsible method of representation, and by an enfeeblement of the administration in the interest of party subsistence." Dr. Frank Crane has expressed an equally sweeping condemnation.⁴⁵ Parties exist, he says, because of indifference and lack of civic consciousness among the

⁴² *Progressive Democracy* (1914), p. 311.

⁴³ "Practically every political principle and idea, every social principle or aim, if it is readily accepted, will be found to be controlled to a considerable extent by the dead mind. This is the explanation of that strange fact that no people are more conservative than liberals in their liberalism and revolutionaries in their revolution." Leonard Woolf, *After the Deluge* (1931), p. 36.

⁴⁴ *Ibid.*, pp. 348-349.

⁴⁵ "Party Government a Failure," *Forum*, Vol. XLIX (1913), pp. 698-702.

people; they are as senseless as religious sects, "dead skin which ought to be sloughed off"; and they are "a prey to the debauching influence of criminal wealth-units." He would substitute "the organization of all the people in each local district in order to get what public things they want, and the federation of these districts into larger groups and into a nation for the same purpose." This is the same view set forth so persuasively by Miss M. P. Follett in *The New State* (1918).⁴⁶

This organization of the entire body of citizens, "without regard to varying opinions, in order to get those public goods which the majority want" is, of course, fanciful. How would the majority express its desires and the minority express its opposition except through the familiar arrangements of party? And, if parties exist because of the indifference of the people, it is hardly clear that the people, being indifferent, would fare better without them. Indeed, the shortcomings of our party system, like the shortcomings of the press, reflect popular standards. The criticism of party is in large measure criticism of the democracy which party seeks to serve.

Balancing the good and evil that parties do, Professor Laski gives a clear verdict in their favor.⁴⁷ "They distort the issues that they create. They produce divisions in the electorate which very superficially represent the way in which opinion is in fact distributed. They secure, at best, an incomplete and compromising loyalty. They falsify the perspective of the issues they create. They build about persons' allegiance which should go to ideas. They build upon the unconscious and they force the judgment of men into the service of their prejudices. Yet, when the last criticism of party has been made, the services they render to a democratic State are inestimable. They prevent popular vagaries from driving their way to the statute-book. They are the most solid obstacle we have against the danger of Caesarism. Above all, they enable the electorate to choose between alternatives which, even though at best an artificial dichotomy, are the only satisfactory method of obtaining a government. For, on practically every issue in the modern State, the serried millions of voters

Laski's
vindication
of parties

⁴⁶ "Neighborhood groups join with other neighborhood groups to form the city—then only shall we understand what it is to be the city; neighborhood groups join with other neighborhood groups to form the state—then only shall we understand what it is to be the state. We do not begin with a unified state which delegates authority; we begin with the neighborhood group and create the state ourselves. Thus the state is built up through the intimate intertwining of all."

⁴⁷ *A Grammar of Politics* (1925), pp. 313-314.

cannot do more than accept or reject the solutions offered. The stage is too vast to permit of the nice shades of quantitative distinction impressing themselves upon the public mind." We must add one other point. Good or bad, parties are essential to the functioning of popular government. Without them democracy could not endure.

Objections
to national
parties
in local
elections

It is, however, from the standpoint of the obtrusion of national parties and national issues in local elections that criticism has been most insistent and most effective. The parties are, as Professor Macy observed,⁴⁸ the most thoroughly centralized of American institutions. Their tentacles reach into every corner of the land. "To-day," says Professor McLaughlin,⁴⁹ "the domination of the national party is nearly complete. . . . In every step taken in ward or township, in every nomination made for local office, there is deference to the interests of the great national organization; local interests are nearly submerged; they are regarded occasionally only as the interests of the wider organization allow them to be. When this system is complete, it means nothing more than the disappearance of local self-government; it means the surrender of the local will and the local interest to a wider and stronger power without." The problem of excluding national politics from municipal affairs was much discussed, twenty or thirty years ago, by experts in city government. Brand Whitlock, when mayor of Toledo, contended that "the whole trouble with the American city is that it is not free; it is distracted and bedevilled constantly by outside influences among which, most prominently, are the state legislature and the national political party. In other words, nearly everybody seems to have something to say about how the city should be run except the people in it."⁵⁰ Robert S. Binkerd declared that the municipal struggle during the last generation had been a struggle for liberating the mind of the American voter.⁵¹ "You ask, liberation from what? I reply, liberation from the slavish, cattle-like following of partisan leadership, which enabled our national political parties to make our cities, with their contracts, and their treasuries, and their administrative machinery, the great feeding troughs of their organized political appetite. Just so far as we have been able, in any city, to increase the proportion of the independent electorate, just so far have we been able to better conditions

⁴⁸ *Party Organization and Machinery* (1904), p. 9.

⁴⁹ *The Courts, the Constitution, and Parties* (1912), p. 136.

⁵⁰ "The Evil Influence of National Parties and Issues on Municipal Elections," *Providence Conference for Good City Government* (1907), p. 194.

⁵¹ *National Municipal Review*, Vol. VI (1917), p. 233.

and to redeem our parties by compelling them to compete in some degree of public service."

Among those engaged in municipal reform this plaint against the national parties was and is often heard. What bearing, they ask, has the tariff, ship-subsidies, or farm loans upon city government? Municipal problems are quite different from national problems; and to many people, as individuals, they are much more important. "It is likely," says Professor Jeremiah W. Jenks,⁵² "to make much more difference to me individually who is the next school-teacher that has charge of my children than who is the next President." And, after all, municipal government is not so much a matter of policy—we are all agreed that clean streets and pure water are desirable—as of business. The thing the city needs most is honest and efficient administration.⁵³

Argument
for non-
partisan
elections

But, if it is desirable to counteract the local influence of national parties, how shall the thing be done? Two methods have been tried: first, the separation of local and national elections according to the European plan; and, second, a recourse to nonpartisan elections, in which names go on the ballot by petition and no party designations are allowed. According to Robert S. Binkerd⁵⁴ a nonpartisan system "will reduce the ties of national party affiliation to their irreducible minimum in city elections. This conclusion is logical in theory and demonstrated in fact. We know that partisan considerations had their greatest effect, and that our cities were most scandalously betrayed, during the period when municipal offices were filled at the same elections in which state and national officers were elected. We know that the holding of municipal elections at a different time of the year from other elections, or in off-years between other elections, has automatically acted to increase the consideration given to municipal candidates and affairs. . . . We know, moreover, that the abolition of the party column ballot has had the same effect."

But can it be said that experience with these two devices of separate and nonpartisan elections has demonstrated their efficacy? Years ago Dr. Beard held that "non-partisanship has not worked, does not work, and will not work in any major city in the United States."⁵⁵

Why parti-
sanship
persists

⁵² *Principles of Politics* (1909), p. 73.

⁵³ For a fair and measured view see H. C. Emery, *Politicians, Party, and People* (1913), pp. 64 *et seq.*

⁵⁴ *Op. cit.*, pp. 233-244. See Chapters XIII and XVIII *infra*.

⁵⁵ "Politics and City Government," *National Municipal Review*, Vol. VI (1917), p. 205. Beard insists (p. 202) that local problems cannot be isolated

Mortimer Denison Hull, reviewing the experience of Boston, Chicago, and New York, came to the conclusion that, if something more than good purposes and defeated efforts was to be achieved, party organization was needed and that, "if national parties are a bane in other than national elections, the difficulty is more or less inherent in the situation."⁵⁶ The activity of national parties in local elections is not accidental. It proceeds, as Woodrow Wilson said,⁵⁷ from the fact that these parties must "get their coherence and prestige, their rootage and solidity, their mastery over men and events from their command of detail, their control of the little tides that eventually flood the great channels of national action. . . . We have made many efforts to separate local and national elections in time in order to separate them in spirit. Many local questions upon which the voters of particular cities or counties or states are called upon to vote have no connection whatsoever, either in principle or in object, with the national questions upon which the choice of Congressmen and of presidential electors should turn. It is ideally desirable that the voter should be left free to choose the candidates of one party in local elections and the candidates of the other party in national elections. . . . We have hopefully made a score of efforts to obtain 'non-partisan' local action. But such efforts always in the long run fail. Local parties cannot be one thing for one purpose and another for another without losing form and discipline altogether and becoming hopelessly fluid. Neither can parties form and re-form, now for this purpose or again for that, or be for one election one thing and for another another. Unless they can have local training and constant rehearsal of their parts, they will fail of coherent organization when they address themselves to the business of national elections. . . . Whatever their faults and abuses, party machines are absolutely necessary under our existing electoral arrangements, and are necessary chiefly for keeping the several segments of parties together. No party manager could piece local majorities together and make up a national majority, if local majorities were mustered upon non-partisan grounds."

from national problems. "I cannot be too emphatic when I say that not a single one of our really serious municipal questions—poverty, high cost of living, overcrowding, unemployment, low standards of life, physical degeneracy—can be solved, can even be approached by municipalities without the coöperation of state and national parties."

⁵⁶ "The Non-partisan Ballot in Municipal Elections," *National Municipal Review*, Vol. VI (1917), p. 222.

⁵⁷ *Constitutional Government in the United States* (1908), pp. 207-208.

Another
view of the
problem

Speaking as a practical expert in municipal affairs, Dr. Thomas H. Reed discusses the problem with admirable detachment.⁵⁸ "From the point of view of pure reason," he says, "national political parties should have nothing to do with city government. The issues of national and local politics are absolutely dissimilar. The World Court, the tariff, or farm relief do not split the public along the same lines as the street railway franchise on Market Street, the Belle Isle bridge, or the ownership of the electric light plant. There is no such thing as Democratic sewer pipe or Republican pavement. It makes no difference whether the city engineer believes in 'watchful waiting' in international affairs, provided he watchfully inspects the concrete that the construction company is pouring on the viaduct. On the other hand, in any large community, political organization is essential to the satisfactory working of democracy. Without it, no cause can be brought to victory. The answer would seem to be municipal parties. At once, however, we are confronted with the fact that the issues of city politics give little foundation for the establishment of permanent parties. . . . Since independent municipal parties refuse to develop, attempts to exclude the national parties from city politics produce curious and interesting results. . . . There is real reason to believe, as many do, that the influence of national parties in local affairs is scarcely as detrimental as the interference of churches, labor unions, or secret societies. At least party contests may be conducted without the bitterness and heat which frequently arise when lines are drawn between Catholic and Protestant or employee and employer. . . . The problem of parties in city elections is truly a perplexing one. Non-partizanship, we may conclude, is an ideal very difficult of realization on any satisfactory basis. An equally well-defined lesson of experience, however, is that it is desirable to remove every artificial aid to party domination, such as partisan primaries and party designations on the ballot."

A plan for
nonparti-
sanship

Professor Ellen D. Ellis sees a close connection between local non-partisanship and desirable reforms in city government. "Inasmuch as these newer forms have as their main objective a business-like municipal administration," she contends,⁵⁹ "they are consciously and peculiarly adapted to the elimination, in the largest degree possible, of party politics from the conduct of municipal affairs." She believes that "the true solution of party politics in local government will be achieved only *pari passu* with reform in the structure itself of local

⁵⁸ *Municipal Government in the United States* (rev. ed., 1934), pp. 237-239.

⁵⁹ "National Parties and Local Politics," *American Political Science Review*, Vol. XXIX (1935), p. 64.

government and administration, and with the introduction of expert advice and management based on the scientific ascertainment of fact rather than on the ignorant prejudice and ill-informed opinion colored by political considerations, and by the desire for personal advantage, which have lain behind the party organizations that have functioned in our cities.”⁶⁰ Apparently Professor Ellis would like to universalize the city-manager plan, introducing with it nonpartisanship and administration by experts.

and the
answer

Why not go a step farther? Why not confess that democracy is a poor thing and that we want what Fascism has given to all Italian municipalities? There are, of course, no parties anywhere in Italy. Very soon there would be no parties anywhere in the United States, if they were left floating in the air without any local base. National organization depends ultimately upon precinct organization. The conduct of national campaigns depends upon continuous experience in fighting local campaigns. Democracy cannot live without parties; and parties cannot live in the stratosphere. As things stand, the problem confronting our parties is not their disposition to interfere in local affairs, but that amenability to pressure from their districts which keeps representatives from thinking and acting nationally—what the French call *deputantism*.

⁶⁰ *Ibid.*, p. 65.

Chapter X

THE EVOLUTION OF AMERICAN PARTIES

It is not altogether fanciful to trace the lineage of the existing major parties back to the time of the Fathers. In the course of one hundred and fifty years, it is true, much has changed besides party names. With the growth of population and territory the economic life of the country has passed through successive modifications and assumed new and diversified forms. As the two-party system is based upon combinations of economic groups, or—to describe the phenomenon more accurately from the standpoint of American experience—upon combinations of sectional economic interests, the political alignment of one epoch can never be identical with the political alignment of the epoch that precedes or follows it. The composition and therefore the character of parties must vary with the shifting economic forces. Nevertheless, the Republican party of McKinley and Hoover does bear some family resemblance to the Whig party of Webster and Clay and to the Federalist party of Hamilton; and the Democratic party of Bryan and F. D. Roosevelt does bear some family resemblance to the Democratic party of Jackson and the Republican party of Jefferson. There are, as the following historical sketch will show, elements of continuity in the evolution of our parties.

Historical
continuity
of party
alignments

That evolution falls, however, into certain fairly distinct periods. (1) The rivalry of Federalists and Republicans (or Democratic-Republicans) may be said to have closed with the election of Monroe in 1816. The Federalists then disappeared as a national party, although their influence still persisted in Delaware and in parts of New York and New England. (2) A period of transition ensued. The personal rivalry of politicians within the Republican party took shape, by slow degrees, in a new distribution of political forces. One faction, led by Jackson, emerged as the Democratic party; another, led by Adams and Clay, adopted the name of National Republicans. These parties may be discerned in vague outline by 1828; they have assumed a definite, organized form by 1832. Two years later the National Republicans, allying themselves with other groups, established the Whig party. (3) The Whig combination, though formed of somewhat in-

Their
evolution
epitomized

congruous elements, held together for twenty years. It was shattered in 1854 by the storm that broke over the reopening of the slavery question and that brought the present Republican party into existence. (4) The rivalry of Democrats and Republicans has continued down to our own day.

Last
eighty-
five
years

This period of eighty-odd years may be divided into seven minor periods.¹ In the first of these the Republicans organized a formidable opposition to the dominant Democratic party. In the second (1861-1875) they gained a complete ascendancy, that is, control over all political branches of the national government. Between 1875 and 1897, on the other hand, the two parties contended on fairly equal terms. Neither held undisputed sway for any considerable length of time. Throughout his first administration President Cleveland faced a hostile Senate, and in the last two years of his second administration he had both House and Senate against him. Similarly, Republican presidents were hampered by a Democratic House for ten years out of fourteen. The Republican party, after renewing its supremacy in the fourth period (1897-1911), fell upon evil days. First, through internal dissensions, it lost control of the House; then (1912), through actual schism, it lost control of the presidency and Senate as well. Its victory in the congressional elections of 1918, however, enabled it to put an effective check upon the policies of Woodrow Wilson; and the Republican landslide of 1920 marked the beginning of the sixth period, with the party once more in full command of the executive and legislative power. This dominance lasted for a decade. It came to an end with the business depression. Eventual rout and disaster, it is true, were scarcely suggested by the congressional election of 1930, which gave the Democrats a bare majority in the House. But two years later Franklin D. Roosevelt won all but six states and all but fifty-nine electoral votes; and he had behind him powerful majorities in House and Senate. Not long since, grave-diggers had been preparing for the death of the Democratic party. After President Roosevelt's triumph in 1936, however, it seemed that obsequies were more likely to be required for a Republican corpse. In the House the Republicans held only 89 of 435 seats; in the Senate, only 16 of 96. Yet two years later the situation had so changed that the Republicans could even hope to win the next presidential election.

¹ Arthur N. Holcombe, *The Political Parties of To-day* (1924), pp. 89-92.

FEDERALISTS AND REPUBLICANS

The Constitution was, in the language of Professor Beard,² the product of one of the sharpest partisan contests in our history. That contest took place, not "over abstract political ideals such as states' rights and centralization, but over concrete economic issues, and the political division which accompanied it was substantially along the lines of the interests affected—the financiers, public creditors, traders, commercial men, manufacturers, and allied groups, centering mainly in the larger seaboard towns, being chief among the advocates of the Constitution, and the farmers, particularly in the inland regions, and the debtors being chief among its opponents." On the one side were ranged the capitalistic interests under the name of Federalists; on the other, the agrarian interests under the name of Anti-Federalists. When the new government was organized in the spring of 1789, the Federalists controlled it. Only ten Anti-Federalists sat in the House, only two in the Senate.³ All four members of Washington's cabinet had favored ratification of the Constitution.⁴

Partisan
cleavage
over the
Constitu-
tion

Alexander Hamilton, as secretary of the treasury, carried through Congress a legislative program that was designed to array property on the side of the government, very much as the English Whigs had done after the Revolution of 1688.⁵ He funded the national debt—accrued interest as well as principal—at face value. He assumed, and funded at face value, the debts which the states had contracted during the Revolutionary War. He established a national bank. He imposed import duties for the avowed purpose of encouraging and protecting manufactures. There can be no doubt that among the substantial classes such measures inspired confidence in the new régime and ensured its future stability. They might even be represented as advancing the prosperity of the farmers, who constituted 90 per cent of the population; indeed, in his Report on Public Credit, Hamilton sought to

Hamilton's
fiscal
measures

² *Economic Origins of Jeffersonian Democracy* (1915), p. 3.

³ E. E. Robinson, *The Evolution of American Political Parties* (1924), p. 59.

⁴ Jefferson had, however, insisted upon the necessity of incorporating a bill of rights in the Constitution. Beard, *op. cit.*, p. 65. He declared in 1789 that, though not of the Federalist party, he was much further from being of the Anti-Federalist party. *Ibid.*, p. 83.

⁵ "Hamilton's measures were primarily capitalistic in character as opposed to agrarian and . . . constituted a distinct bid to financial, commercial, and manufacturing classes to give their confidence and support to the government in return for a policy well calculated to advance their interests." *Ibid.*, p. 131. Cf. H. C. Lodge, *Alexander Hamilton* (1889), pp. 90-91.

show that the augmentation of capital would enhance the value of land. He did win the support of many large-scale tobacco planters in Virginia and rice planters in South Carolina. But the immediate beneficiaries were the commercial classes, especially those who had speculated in almost worthless public securities and now found themselves possessed of an abundant fluid capital. They exercised, under the restricted suffrage then prevailing, a political influence disproportionate to their numbers.

Formation
of the Re-
publican
party

The fiscal measures of Hamilton precipitated party divisions. Jefferson in the cabinet and Madison in the House took alarm as they saw the government handed over to the service of a compact minority of capitalists and traders. Jefferson possessed remarkable gifts of leadership and organization. No other politician but Theodore Roosevelt or James A. Farley has had such a large personal acquaintance throughout the country or such an intimate knowledge of local situations everywhere. On the Federalist side he saw an imposing representation of wealth, intellect, and social prestige—groups that were conscious of a solidarity of interest and that had been welded together in the earlier struggle over the Constitution. His task was to revive the Anti-Federalist party of 1787–1788,⁶ to organize the back-country grain-growers, from Maine to Georgia, into an effective opposition, and to combine with them the mechanics and small tradesmen of the seaboard towns, so far as these had been admitted to the suffrage. Jefferson acted with vigor and dispatch. The Republican party—sometimes styled Democratic-Republican, or even Democratic—entered upon its first campaign in 1792. While acquiescing in the reelection of Washington as President, it did oppose John Adams for the Vice-Presidency and managed to secure the electoral vote of five of the fifteen states.

The partisan cleavage, we are sometimes told, must be attributed to the controversy over the powers of the national government. Fed-

⁶ The parties of 1792 were substantially the same as the parties of 1787; that is, they reflected in both cases the antagonism between the capitalistic and agrarian interests. Beard, *op. cit.*, p. 75. For the most part Anti-Federalists became Republicans, and friends of the Constitution supported Hamilton's program. There were notable exceptions, however. Patrick Henry, Richard Henry Lee, and Samuel Chase joined the Federalist party; Madison, Dickinson, Charles Pinckney, and Edmund Randolph joined the Republican party. These cases may be variously explained—Randolph's, for example, on the ground that he was forced to retire from Washington's cabinet in 1795. Sometimes a politician's affiliations in state politics, his friendships and enmities, determined his stand in national politics. But Jefferson and Madison appear to have been influenced chiefly by Hamilton's fiscal measures.

eralists and Republicans held sharply antagonistic views as to how the language of the Constitution should be interpreted. The former believed in broad or loose construction; the latter believed in strict or narrow construction and clung to the literal meaning of each clause in their anxiety to preserve the rights of the states. Did the Constitution anywhere authorize Congress to assume state debts, establish a national bank, or protect domestic manufactures? That question was most certainly asked. But those who denounced Hamilton's measures as unconstitutional were not actuated by an abstract or doctrinaire philosophy. They were defending their economic interests; and, because the constitutional argument lay so conveniently at hand and seemed to raise their cause above the plane of mere self-interest, they made effective use of it. How else shall we explain the notorious shift that occurred after 1800? The Republicans, with no more constitutional warrant than Hamilton could find for his bank, purchased Louisiana, undertook the building of a national highway from Maryland to Ohio, and imposed the Embargo. Later on, when the business class had abandoned the moribund Federalist party, they chartered a second national bank and adopted a high protective tariff. In a word, broad or strict construction was not at that time or at any subsequent time the issue underlying party cleavages. All through our history constitutional exegesis has been the instrument of political strategy.

Constitutional interpretation not the basis of cleavage

Jefferson would have found it hard to mobilize the backwoods farmers if he had been forced to rely only upon their reactions to the financial schemes of Hamilton. The struggle over the ratification on the Constitution had roused relatively few of them from political apathy,⁷ and now, when the mercantile class was reaping its harvest, they did not at once perceive the true inwardness of the situation. The French Revolution, however, as it entered upon a more dramatic phase, struck their imagination and awakened something like a class-consciousness. They watched the common people of France enrolling under the banner of "Liberty, Equality, Fraternity," assaulting the citadels of privilege, emancipating themselves from their exploiters. They caught the democratic enthusiasm of the *sans culottes* and became Jacobins overnight. On the other hand, the Federalists looked upon the Revolution with hostile eyes. "Here was a challenging of privilege," says Claude G. Bowers,⁸ "and they honestly believed in privilege; here was democracy, and they hated it." In the war between England and France, which threatened to embroil the United States,

Influence of the French Revolution

⁷ Beard, *op. cit.*, p. 465.

⁸ *Jefferson and Hamilton* (1925), p. 208.

they sympathized with the former, not only because they wished to see the monster of Revolution laid low, but also because the great merchants operated on English credit and because a war with England would destroy American commerce. In their anxiety to preserve peace they negotiated the Jay Treaty. Its terms, becoming known in the spring of 1795, were denounced by the Republicans as a betrayal of American rights. A considerable number of large planters in the South emphasized their discontent by passing over to the party of Jefferson.⁹ Republican prospects were greatly improved. In the presidential election of 1796, Jefferson obtained 68 electoral votes as against 71 for Adams. He carried Pennsylvania and all the Southern states.¹⁰

Republican
supremacy

Four years later the Federalists were driven from power. They had been weakened, no doubt, by the unpopularity of Adams, by the rift between him and Hamilton, and by the extravagance of certain measures, such as the Alien and Sedition Acts. But the true explanation of their defeat lies in the fact that, though compact and aggressive, they had always been a minority and could not hope to prevail at the polls when once the grain-growers and their allies had been effectually organized and stimulated to action. The future gave no promise of better fortune. Federalism, in fact, steadily declined. "The party was destroyed," as Stanwood expresses it,¹¹ "by the success of its own principles in the hands of its opponents." Jefferson took pains to reassure the financiers and business men and to make it clear that they had nothing to apprehend from Republican policies. In his first inaugural he promised to encourage commerce and maintain the public credit.¹² In his first message to Congress he described agriculture, manufacture, commerce, and navigation as "the four pillars of our prosperity," expressing at the same time "an anxious solicitude for the difficulties under which our carrying trade will soon be placed."¹³ Somewhat later he wrote Gallatin that he favored "making all the banks Republican by sharing deposits among them in proportion to the dispositions they show. . . . It is material to the safety of Republicanism to detach the mercantile interests from its enemies."¹⁴ This policy succeeded;

⁹ Beard, *op. cit.*, pp. 268 and 282. The planters had wished to evade the payment of debts long owing to British merchants and, on the other hand, to secure compensation for slaves that had been carried off by the British forces during the Revolution.

¹⁰ Maryland gave seven votes to Adams and four to Jefferson.

¹¹ *A History of the Presidency* (2 vols., 1916), Vol. I, p. 106.

¹² Beard, *op. cit.*, p. 441.

¹³ *Ibid.*, p. 443.

¹⁴ *Ibid.*, pp. 447-448.

and the Federalist party, gradually deserted by the mercantile element and discredited by its tactics during the War of 1812, ceased to be a factor in national politics after the election of 1816.

WHIGS AND DEMOCRATS

The Federalists did not oppose the reelection of President Monroe in 1820;¹⁵ and his second administration has been styled the Era of Good Feeling. The title is appropriate in so far as it emphasizes the recognition of Republican supremacy and the subsidence of partisanship. There were, however, jealousies and cliques, personal bickerings and conflicts of ambition; four Republicans—Crawford, Clay, J. Q. Adams, and Jackson—entered a spirited contest for the presidency in 1824. Indeed, the politicians were already occupied in the search for some magnetic formula that would attract the loosely-cohering political fragments and amalgamate them in a new combination. Even without conscious planning it was inevitable that discordant interests would break through the shell of the Republican party in their pursuit of political advantage. Changes of immense significance had taken place in the country and opened the way to a renewal of partisan rivalries.

The era of good feeling

The United States was in process of being transformed into a democracy. No longer could the rich and the well-born dominate politics as they had done in the time of Washington and Jefferson. With few exceptions, the seaboard states had abolished the property qualification for the suffrage.¹⁶ In the Northeast the growth of manufactures—artificially stimulated by the War of 1812, maintained by the postwar protective tariff, and carried to notable dimensions in the late twenties—had created on the one hand a special interest that depended upon legislative favors and on the other hand a wage-earning class upon which shrewd city politicians brought their organizing genius to bear. In the new Western states the conditions of pioneer life were reflected in political equality. There the democratic faith expressed itself aggressively, through a somewhat extravagant and dogmatic creed; and it bred a profound distrust both of the old landed aristocracy—the patroons of New York, the planters of Virginia—and

Economic and political changes

¹⁵ In Massachusetts eight Federalist electors (including John Adams) voted for him. A solitary elector, in New Hampshire, distrusting Monroe, deprived him of the honor of a unanimous vote. Stanwood, *op. cit.*, Vol. I, p. 118.

¹⁶ The exceptions were: Rhode Island, New Jersey, Virginia, and North Carolina. See Chapter II.

of the Eastern bankers who took toll from the mortgaged farms. In the South "cotton was king." The almost unlimited demand for cotton, coming in the wake of mechanical inventions, had led to the establishment of great plantations worked by slave labor and had persuaded the South that slavery was essential to its prosperity. Southerners no longer condoned their "domestic institution"; they resented any criticism of it. Reaching out for more slave territory, they came into collision with the free farmers of the West. After the Missouri Compromise of 1820 they sought to safeguard the future, first, by maintaining a balance of slave and free states in the Senate and, second, by insisting upon a strict construction of the powers of Congress. But the South, though united in the defence of slavery, did not present otherwise an unbroken front in national politics. Equalitarian doctrines, which the small farmers found attractive, had no place in the philosophy of the capitalist slave-owners.

Jackson
and the
new Demo-
cratic
party

In this period of democratic ferment the masses found a leader in Andrew Jackson of Tennessee. This striking figure, inflexible in will, positive and sincere in opinion, loyal and sympathetic in his relations with friends, had won renown as a military commander and yet retained all the simplicity of his humble origin. He became the idol of the common people, to whom his very faults, his domineering and combative disposition, seemed only to endear him. On his side Jackson identified himself fully with the popular cause. When the House of Representatives chose John Quincy Adams President in 1825, the electoral vote having been inconclusive, he felt that the people as well as himself had been defrauded. The election of Adams thus created a lasting schism in the Republican ranks. Jackson's adjutants organized the Democratic party that carried him to the White House in 1829 and again in 1833. The organization was of the type with which we are familiar to-day: the old order of aristocratic leadership had passed; professional politicians displaced the amateurs of independent fortune and depended for their reward upon the spoils of public office. Jackson visualized the party conflict as arraying "the democracy of numbers" against "the monied aristocracy of the few"; and there is a measure of truth in his observation. He "had succeeded in repeating Jefferson's achievement," says Professor Holcombe,¹⁷ "by attracting the majority of the grain growers into a combination of interests in which they, under Jackson as in the time of Jefferson, formed the principal ingredient." In the South, where the small planters as well as the farmers of the backhill country enlisted under Jackson, the Democratic

¹⁷ *The Political Parties of To-day*, p. 84.

party found its steadiest support. Tennessee (except in 1832) and Kentucky, however, lay outside the Democratic orbit.

Meanwhile an opposition party had been forming. The supporters of Adams and Clay took the name of National Republicans¹⁸ and, gathering strength as the character of the Democratic administration revealed itself, nominated Clay for the presidency in 1832. Sure of his ground as a tribune of the people, Jackson had proved an autocratic President; he had made war upon the bank, quarrelled with the Senate, ignored the decisions of the Supreme Court, and delivered the civil service over to the spoilsmen. The platform of the National Republicans condemned these proceedings and also announced its advocacy of "an adequate protection of American industry" and "a uniform system of internal improvements."¹⁹ Clay's popular vote was more than three-fourths as large as Jackson's, but his electoral vote only 49 to 219. It is significant that, aside from his home state of Kentucky, he won his victories in the old Federalist strongholds—Massachusetts, Rhode Island, Connecticut, and Delaware.²⁰ He lost New Jersey by only 463 popular votes. The remnants of the old Federalist party had gathered under the National Republican banner.²¹

The
National
Republican
party

In the spring of 1834 the National Republicans combined with other elements to form the Whig party. The new Whigs, like their English and colonial prototypes, banded together against what Clay described as "an alarming extension of executive power and prerogative." Jackson's conduct in vetoing the bank bill before the election and in withdrawing the government deposits a year later had confirmed the monied interests in their opposition. His vigorous reply to nullification in South Carolina had provoked a bitter resentment; and it was on that issue that the capitalist slave-owners, the great tobacco and cotton planters of the South, entered the Whig party.²² At the same time the position of the party was strengthened in the Northeast by the adhesion of many Anti-Masons,²³ among them being small farmers in New

The
Whig
party

¹⁸ The earliest mention of the party name by the newspapers occurred in 1829, D. R. Fox, *The Decline of Aristocracy in the Politics of New York* (1919), p. 360.

¹⁹ Stanwood, *op. cit.*, Vol. I, p. 158.

²⁰ Maryland was divided, as it had been in the Federalist period and in the elections of 1824 and 1828.

²¹ As to the survival of Federalism through the Era of Good Feelings see Fox, *op. cit.*, p. 329, and G. D. Luetscher, *Early Political Machinery in the United States* (1903), p. 150.

²² Holcombe, *op. cit.*, p. 149; also pp. 145-146.

²³ See Chapter XI.

York and Vermont who might otherwise have been Democratic. The Whigs dominated the New England states except Maine and New Hampshire, the Middle states of New Jersey and Delaware, and the border states of Maryland, Kentucky, and Tennessee. In what is now called the Solid South they carried four states for their presidential candidate in 1840 and 1848, one in 1836 and 1844, and none in 1852.²⁴ With regard to the grain-growers Professor Holcombe expresses the opinion that "the greater confidence of the Western pioneers and of the settlers in the back country from Maine to Texas in the policy of Jacksonian Democracy was justified by the conditions of the time. . . . The policies of the Democrats, especially their land policies, were undoubtedly better suited to the needs of the small farmers in most sections of the country than those of the Whigs."²⁵ Nevertheless, the agrarian class was not altogether certain on which side its economic interests lay. The Whig party represented itself as offering better credit facilities through the bank and better market facilities through the development of domestic manufactures and through the building of roads and canals. In 1840, with the log-cabin candidate, W. H. Harrison, they managed to carry the frontier states of Indiana, Ohio, and Michigan.

Whig and
Demo-
cratic
policies

The Whig party took shape as a combination of sectional interests. In that it resembled all the other major parties in our history. But the Whig combination had less coherence, less organic unity than the Democratic. The various elements—Northern, Southern, and Western—had drawn together on no more definite ground than opposition to the Democrats. In particular, the great planters of the South, though by no means attracted toward an alliance with Jackson's pioneers and artisans, looked askance at the policies of protection and internal improvements, which the Northern Whigs favored. The party found it difficult to pledge its somewhat discordant following to a positive program. Only once did it nominate a presidential candidate (Henry Clay in 1844) who had won recognition as a party leader and whose stand on public questions was known. Harrison (1840), Taylor (1848),

²⁴ In 1836, Georgia; in 1840, North Carolina, Georgia, Mississippi, Louisiana; in 1844, North Carolina; in 1848, North Carolina, Georgia, Louisiana, Florida.

²⁵ *Op. cit.*, p. 152. The Democrats advocated cash payment for land, which reduced unhealthy speculation; aggressive westward expansion, which tended to keep down the price of land and facilitate settlement; and a revenue tariff, which stimulated the demand for agricultural produce more directly than the development of hot-housed manufactures could have done. Opposition to internal improvements stood in the way of higher taxes and a higher cost of living. *Ibid.*, p. 153.

and Scott (1852), were "military heroes" standing outside politics.²⁶ The Whigs managed to elect the first two of these, after campaigns which enveloped political issues in obscurity.²⁷ Only twice did they venture to formulate a platform—in 1844 and 1852.²⁸ They abandoned their advocacy of a national bank after Tyler—succeeding to the presidency on the death of Harrison—had twice thwarted them with his veto. They became vague and cautious on the subject of a protective tariff after Tyler had vetoed the bill of 1842. They ignored internal improvements in the platform of 1844 and contented themselves with indefinite, guarded phrases in the platform of 1852. Turning now to the Democratic party, we find its creed almost entirely negative. In successive platforms it declared that justice and sound policy condemned a protective tariff and that Congress had no power to set up a national bank or to undertake internal improvements. It insisted that the powers of the federal government should be strictly construed, this attitude squaring with the interests of the slave-holding South and, less conclusively, with the interests of the pioneer West. On the positive side it advocated the subtreasury system as an alternative to the bank and also territorial expansion—"the re-occupation of Oregon and the re-annexation of Texas." On the subject of slavery it maintained, from 1840, an unequivocal position.

Slavery:
the Com-
promise
of 1850

The Missouri Compromise of 1820 had, for the time being, taken the slavery question out of politics. In the thirties, however, Northern abolitionists organized the American Anti-Slavery Society and began to assail the "peculiar institution" of the South with the zeal of fanatics. In 1839 the Liberty party was formed.²⁹ This agitation, which the South met with bitter resentment, threatened to array one section of the country against the other. The Whigs ignored it. The Democrats, more sensitive to Southern opinion because more strongly entrenched below the Mason and Dixon line, adopted in 1840 and repeated in successive platforms a declaration that Congress had no power to inter-

²⁶ In 1836 the party made no nomination, but ran local favorites, in the vain hope that the Democrats would be prevented from getting a majority in the electoral college and that the election would thus rest with the House of Representatives.

²⁷ They fared badly in Congress, controlling the House for only six of twenty years (1841-1843 and 1847-1851) and the Senate for only four (1841-1845).

²⁸ The so-called platform of 1848 merely eulogized the candidate (Taylor) and insisted that, if he had voted in 1844, he would have voted the Whig ticket. See Kirk H. Porter, *National Party Platforms* (1924), pp. 15, 25, and 36.

²⁹ See Chapter XI.

fere with the domestic institutions of the several states and that abolitionist propaganda endangered the stability and permanence of the Union. The Democrats also precipitated the war with Mexico. That war, revealing as it did the aggressive spirit of the Southern planters and their determination to extend the area of slavery as a means of increasing their political power, brought new recruits to the anti-slavery ranks. Over the future status—slave or free—of the territory ceded by Mexico a heated controversy arose. Sectional interests clashed, and came near to a disastrous rupture. It was the national parties that averted catastrophe. The slavery question cut across party lines. Since Whigs and Democrats alike could take no extreme position without losing the support of their Northern or Southern wing, as the case might be, they sought a solution in compromise. The Compromise of 1850 was intended to drive the slavery question out of politics for good and all. In the platforms of 1852 both parties endorsed it and deprecated any future attempt to reopen the controversy. The Whig candidate was defeated by 254 electoral votes to 42; but he lost New York and several other states by a slender margin³⁰ and received 1,386,000 popular votes against 1,601,000 for his Democratic opponent.

REPUBLICANS AND DEMOCRATS³¹

The
Kansas-
Nebraska
Bill

The Whig party was not destroyed by the election of 1852. Nor is there any ground for believing that a clear-cut declaration against slavery would have been to its advantage. Such a declaration would have alienated its whole following in the South and, as the small Free Soil vote in 1852 seems to demonstrate, brought no corresponding increase of support in the North. Public opinion accepted the settlement of 1850. What wrecked the Whig party and led to the forming of new political combinations was the sudden repudiation of that settlement in 1854, the passage of the Kansas-Nebraska bill, which repealed the Missouri Compromise, obliterated the line 36° 30" as a bar to the

³⁰ Delaware by 25 votes, North Carolina by 700, and Connecticut by 900.

³¹ The most valuable study of this period is Arthur N. Holcombe's *The Political Parties of To-day* (1924). Professor Holcombe has described more recent tendencies in *The New Party Politics* (1933) and in Chapter I of *The American Political Scene* (ed. by Logan, 1936).

See also F. R. Kent, *History of the Democratic Party* (1925); W. S. Myers, *The Republican Party: a History* (1928); Edward Stanwood, *A History of the Presidency* (2 vols., 1916, rev. ed. by Bolton, 2 vols., 1928); T. H. McKee, *The National Conventions and Platforms 1789-1900* (1901); Herbert Agar, *Pursuit of Happiness: The Story of American Democracy* (1938).

advance of slavery northwards in the Louisiana purchase, and led to a fierce and sanguinary struggle between the free-soilers and the slave-power for the possession of Kansas. The Pierce administration, though deserted by half the Democratic representatives from the North, carried the bill through Congress with the help of the Southern Whigs. There was consternation in the North. The small farmers were influenced by something more tangible than resentment over the violation of a solemn pledge. "They knew that free labor and slave labor did not flourish side by side," says Professor Holcombe.³² "They knew that the dedication of the Northwestern territories, or any part of them, to slavery meant so much less land for themselves. Douglas' measure seemed to them nothing short of an attempt to deprive them of a portion of their birthright."

It was among the farmers of the Northwest that popular conventions, held during the summer of 1854, brought the Republican party into being. The new party had from the outset a marked agrarian bias. North of the Ohio and the Mason and Dixon line it detached a majority of the small farmers from their Democratic allegiance.³³ Into the Republican combination, as a second strong element, came most of the Northern Whigs. They grafted on the agrarian sympathies of the party a benevolent attitude towards the rising corporate interests and made the old Whig policies a prominent feature of Republican platforms. The combination also included Free Soilers and abolitionists. The former gave the party its doctrine of free homesteads and resistance to the extension of slavery; the latter gave it moral earnestness and a radical spirit. The first Republican platform—that of 1856—denied "the authority of Congress, of a territorial legislature, of any individual, or association of individuals to give legal existence to slavery in any territory" and at the same time declared that Congress was imperatively bound "to prohibit in the territories those twin relics of barbarism—Polygamy and Slavery." It also advocated the improvement of rivers and harbors and the building, with federal aid, of a transcontinental railroad. Two other important planks were added four years later; one advocating a homestead law, the other (in am-

Formation
of the Re-
publican
party

³² *The Political Parties of To-day* (1924), p. 158.

³³ Inherited political associations did not give way easily, however. For example, emigrants from the South who had settled in Illinois and Indiana had a different point of view from settlers of New England origin; with them the old ties prevailed. Moreover, the Republican party, having taken a position hostile to the dominant interests of the South, could not carry its platform, as Douglas said, across the Ohio River. Even in the border states it won no recruits before the outbreak of the Civil War.

biguous language) a protective tariff. In an expressive phrase, having in mind the alliance between Western farmers and Eastern capitalists, Professor Beard has described the Republican party as "a homestead and protective tariff party, standing for the exclusion of slavery from the territories."³⁴

Election of
Lincoln

In the presidential election of 1856 the Democratic candidate, Buchanan, received 174 electoral votes; the Republican candidate, Frémont, 114. While the Democrats carried five of the sixteen free states, the Republicans developed no strength whatever south of the Mason and Dixon line. Their aggregate popular vote in that region fell below 1,200 and showed conclusively the sectional character of the party. Such was the preponderance of the free states in the electoral college, however, that in 1860 Lincoln, losing only New Jersey in the North,³⁵ secured a majority of fifty-seven over the combined electoral vote of his three opponents. The secession of eleven Southern states followed. It was not the election of Lincoln that dictated their course; as both houses of Congress were under Democratic control, the administration could make no effective move against slavery. The danger of the South lay in the fact that the Democratic party, which in 1860 had split into sectional factions, could no longer be relied upon as the instrument of the slave-holding interests.³⁶ The Northern wing held to a middle position; neither proslavery nor antislavery, it faced the crisis in a spirit of compromise.

First
period of
Republican
supremacy

The secession of the South gave the Republicans a majority in both houses of Congress. Now began a period of Republican supremacy that lasted fourteen years, the period of Civil War and Reconstruction. Driven by the force of circumstances, the party extended federal powers to a point never contemplated by Federalists or Whigs. It raised armies by conscription, suspended the writ of habeas corpus, emancipated the slaves. Its strength lay not only in the fervent patriotism that the war engendered, but also in the interested support of capitalists, who fattened on army contracts, on the high protective tariff, and on enterprises undertaken or subsidized by the government. If the party had adhered to the policy that Lincoln formulated in the first year of the war, if it had subordinated the slavery issue to

³⁴ *American Government and Politics* (4th ed., 1924), p. 139.

³⁵ Even in that state the "scratching" of candidates on the fusion Democratic ticket gave him four of the seven electors. Lincoln's popular vote fell behind the aggregate for his three opponents by one million. He had, however, a clear majority in fifteen free states and a plurality in two others.

³⁶ Holcombe, pp. 177-178.

the saving of the Union, the Democratic opposition might have melted away. But the party did in fact become abolitionist; the platform in 1864 demanded the complete extirpation of slavery from the soil of the Republic. Under the circumstances, believing as they did that the Union could be saved by a policy of compromise, the Democrats kept their lines intact and, as advocates of an immediate cessation of hostilities, polled in 1864 a little more than 44 per cent of the popular vote. With the whole force of war patriotism against them, they won three states and came close to winning others. It was not unreasonable to assume the likelihood of their return to power when once the reaction of peace-time had set in and the seceding states had been restored to the Union. The Republican party read the portents. By fastening Negro suffrage upon the South it sought to perpetuate its supremacy. The election of 1872, which, by means of Negro votes, gave the party eight of the eleven recovered states, seemed to justify Republican expectations and reduce the Democrats to a position of hopeless inferiority.

Two years later, however, an overwhelming defeat in the congressional elections brought the period of Republican supremacy to a close. The next period, lasting from 1875 to 1897, is marked by a balance of political forces. As the Republicans held the Senate for eighteen years and the Democrats held the House for sixteen, each could as a rule exercise a legislative veto. The Democrats only for one brief interval (1893-1895) and the Republicans only for two (1881-1883, 1889-1891) established that simultaneous control of the presidency and both houses of Congress which is essential to positive party achievement. The presidential elections were closely contested. Four out of five times the Democrats obtained a majority or a plurality of the popular vote.⁸⁷ They elected Grover Cleveland in 1884 and 1892 and may have been justified in believing that a fraudulent count of electoral votes defeated Samuel J. Tilden in 1876. Such demonstrations of strength, extending through two decades, make it clear that a new and persistent factor had entered the political situation.

Democratic
victory
of 1874

That factor was the Solid South. In ten of the eleven states that had formed the Southern confederacy⁸⁸ the whites reestablished their ascendancy and nullified the Fifteenth Amendment. The Negro gradually faded out of Southern politics. His elimination was completed

Creation
of the
Solid
South

⁸⁷ The Republican plurality in 1880 was only 9,500.

⁸⁸ For reasons given at the opening of Chapter III Tennessee is not included in the Solid South. It is a border state.

by the withdrawal of the last federal troops in 1877. From that time the white element, closing their ranks in the face of a great social menace, identified themselves almost exclusively with the Democratic party³⁹ and, irrespective of candidates or platform, delivered a solid block of Democratic electoral votes in every presidential year. The very fact that their support could be counted on tended to deprive them of anything more than a negative influence, a veto power, in shaping the party's policies and selecting its candidates. On the other hand, whenever the party controlled Congress, the South was in the saddle; long service gave its members the posts of vantage, such as the committee chairmanships, and therefore responsibility for carrying out the pledges of the platform. Along with the Solid South came the border states, influenced largely by sentiment and tradition. Down to 1896 all five border states were Democratic in presidential elections. Thus, taking the electoral college as it was in 1880, when 185 votes constituted a majority, the Democrats started with 83 from the South and 52 from the border states. They needed fifty more. These could most readily be obtained in two regions: either in the Central states (Ohio, Illinois, and Indiana), the Southern parts of which had been settled by emigrants from the slave states; or in the Middle states, barring the Republican stronghold of Pennsylvania. The Democrats were stronger in the latter region, carrying Delaware and New Jersey in every presidential election down to 1896 and New York in 1876, 1884, and 1892.⁴⁰ For that reason they preferred a New Yorker as their candidate and became more responsive to financial interests than the party had been before the Civil War. The Republican party, though predominantly agrarian, depended upon the business community of the Northeast to compensate it for the loss of the rural South. For both parties it required some ingenuity to devise policies that would satisfy one element in the combination of interests without offending another.

Party
issues,
1875-1897:
(1) rail-
road and
trust regu-
lation;

The chief questions upon which the parties had to define their attitude concerned the railroads, the trusts, the tariff, and the currency. Each of these questions was bound up with economic changes of far-reaching consequence. The frontier had been pushed steadily westwards until there ceased to be a frontier; the homestead lands had been occupied, the natural resources of the country appropriated

³⁹ Except during the Populist epidemic of the nineties. On the position of the Democratic party in the Solid South, see Chapter III.

⁴⁰ As to the Central states, Illinois went Democratic in 1892; Indiana, in 1876, 1884, and 1892. Ohio remained steadfastly Republican.

to private use. In difficult times, when agricultural prices fell and the burden of debt became oppressive, Western farmers complained loudly of their subjection to the Eastern money-power. In the East commercial and industrial enterprises were being transformed by consolidation into larger and larger units. The more powerful among them stifled competition by ruthless warfare or secret agreements. Hampered by few statutory restrictions and always prepared to buy political immunity, they imposed arbitrary charges upon the consumer; and at last the consumer's exasperation found vent in the protests of organized agrarian groups and of minor parties.⁴¹ But the problem of the railroads and the trusts was mainly a sectional problem. It marshalled the agrarian interests of the West and South against the business interests of the Northeast; and neither of the great parties could make war upon those business interests without disrupting the combination upon which its hopes of victory rested. The politicians resorted, therefore, to compromise. Republican and Democratic votes carried through Congress the Interstate Commerce Act of 1887 and the Sherman Antitrust Act of 1890, which conceded enough to soothe the malcontents and withheld enough to quiet the apprehensions of big business.

The tariff also presented difficulties. Down to 1887, when President Cleveland forced it to the front as the paramount issue, the parties had defined their views with circumspection. The Democratic party qualified its advocacy of a revenue tariff, in 1884, with a reference to the lower costs of production abroad and the necessity of protecting American labor; in the same year the Republican party, which had carried the rates to an unprecedented level during the Civil War, promised to reduce them, a pledge that was worded so ingeniously, however, that James G. Blaine, the presidential candidate, could boldly stress protection as the campaign issue. The question was a complicated one. In its major aspect the tariff taxed the consumer for the advantage of the manufacturer. The Republicans, anxious to win New York and to maintain their predominance in New England and Pennsylvania, naturally favored the manufacturing interests. At the same time they took the greatest pains to convince factory workers, whose viewpoint might have been influenced by high prices rather than by high wages, that the tariff was designed for their particular benefit. But, if capitalist and proletarian both gained by the arrangement, the burden must fall upon the farmer. Doubtless it did; no farm product could be affected favorably by import duties unless,

(2) the
tariff;

⁴¹ For the Greenback and Populist parties see Chapter XI.

like wool and sugar, it was insufficient in amount to meet the American demand and had to face competition from abroad. Republican politicians, therefore, like the Whig politicians before them, took refuge in the argument that protection created a domestic market for agricultural products of all kinds. It was Cleveland's vigorous attack upon the protective system as "vicious, illegal, and inequitable" that made the Republicans "uncompromisingly" its champions in 1888. The Democratic party, hitherto restrained by the fear of severing its connections with the business world in the metropolitan areas of New York and New Jersey, now echoed the words of its leader. In 1892 it not only denounced Republican protection as a fraud and a robbery, but also declared that "the federal government has no constitutional power to impose and collect tariff duties, except for the purposes of revenue only." The issue was now joined. The Republicans, coming into full control of the government, had raised duties still higher by the McKinley Act of 1890; four years later the Democrats reduced them by the Wilson Act;⁴² and at the close of the period, as the momentous campaign of 1896 got under way, these divergent positions were reaffirmed. It was not the tariff, however, but the money question that set new political forces in motion and drove the Democratic party into the wilderness.

(3) the
money
question

The money question, in varying aspects, agitated the country for a generation after the close of the Civil War. In the seventies the farmers of the West and South, impoverished by the fall in prices that followed the panic of 1873, demanded an increase in the supply of paper money. Inflation, they knew, would have the effect of reducing the burden of mortgages and relieving them of tribute to the Eastern financiers. The issue between sound money and paper money, therefore, was sectional in character. The major parties, whose chief concern was to reconcile rather than emphasize sectional cleavages, resorted to evasion and kept the issue in abeyance. In the nineties the inflationists demanded the free coinage of silver. Accepting the propaganda of the mining interests in the Mountain states, they maintained that the single gold standard was the instrument of the rich for the robbery of debtors and the exploitation of the toiling masses. Once

⁴² The Wilson bill, as it passed the House, conformed more or less to the party pledges. But in the Senate it was transformed into a mildly protective measure; for example, duties were imposed on raw sugar for the benefit of the Louisiana planters and on refined sugar for the benefit of the sugar trust. Cleveland, denouncing this sacrifice of principle as party perfidy and party dishonor, allowed the measure to become law without his signature.

more the major parties hedged. Agrarian discontent found expression through the Populist party, which in 1892 carried four Western states⁴³ and made inroads upon the Democratic preserves in the Solid South. Populism made converts far more readily among Democrats than among Republicans. For a time the Democratic party, though threatened with annihilation in the West and challenged for the first time in the Solid South, hesitated to declare for free silver; its financial and commercial supporters in New York City revered the gold standard. Then came the panic of 1893, accentuating agricultural grievances. A political avalanche blotted out the Democratic majority in both houses of Congress. Indeed, the Democratic party retained control of hardly a dozen congressional districts outside of the South. It seemed, in the face of this crushing defeat, that the party must shift its ground and discover some more reliable combination of sectional interests. The party became in 1896 a farmer-labor party.

REPUBLICAN ASCENDANCY AGAIN

The Democratic convention of 1896 was controlled by Southern and Western influences. There was a free-silver majority of three hundred. When William Jennings Bryan reached the close of his eloquent plea for bimetallism, identifying an economic crusade with "the cause of humanity," vibrant class feeling broke loose in scenes of unrestrained enthusiasm. "Having behind us the producing masses of this nation and the world, the laboring interests, and the toilers everywhere," Bryan exclaimed, "we will answer their demand for a gold standard by saying to them: You shall not press down upon the brow of labor this crown of thorns—you shall not crucify mankind upon a cross of gold!" The phrases are significant; they carry the tone that was imparted to the whole Democratic platform; they reflect a solicitude for the exploited classes everywhere, for the men of the factory as well as the men of the farm. The platform denounced the income-tax decision of the Supreme Court, which relieved the rich from bearing their due proportion of the public burdens; the interference of the federal government in the Pullman strike; and the McKinley tariff, which had proved "a prolific breeder of trusts and monopolies" and "enriched the few at the expense of the many." It insisted that labor, which "creates the wealth of the country," should be protected in all its rights. There was no trace

Its effect
on the
Demo-
cratic
party

⁴³ Kansas, Colorado, Idaho, and Nevada. In each of two other states (North Dakota and Oregon) the party got one electoral vote.

The new
alignment
of 1896

of hesitation or ambiguity or compromise. The Democratic party had emerged in a new character, isolating itself from the commercial and financial interests of New York and looking for compensation among the Western farmers and the proletariat of the East. "Against the people in this campaign," said the chairman of the Democratic national committee, "are arrayed the consolidated forces of wealth and corporate power. The classes which have grown fat by reason of federal legislation and the single gold standard have combined to fasten their fetters still more firmly upon the people." With its policies of sound money and protection the Republican party seemed to range itself on the side of vested property interests.

Its effects:
Demo-
cratic dis-
integration

The disastrous failure of the new Democratic strategy was not so apparent in 1896 as it became later on. Bryan won ten states that Cleveland had lost and lost eleven that Cleveland had won.⁴⁴ He made substantial gains for his party in the West. He carried three of the four West Central states, all six of the Mountain states, and Washington on the Pacific coast.⁴⁵ But the attempt to consolidate the agrarian interests, as Jefferson and Jackson had done, met with no success in the Central and North Central states. In the East the appeal to the urban wage-earners failed utterly. Delaware and New Jersey, which had been Democratic in presidential years through the previous period, now attached themselves securely to the Republican combination; so did New York, which hitherto had been doubtful territory.⁴⁶ Still more serious as a symptom of impending collapse was the desertion of three border states—Maryland, West Virginia, and Kentucky. As the frontier West relapsed to Republicanism in later campaigns, it seemed that the Democratic party was destined to be driven back upon the Solid South. In 1900 free silver, though politely mentioned in the platform, was subordinated to "Imperialism" as the paramount issue. Bryan's vote, both popular and electoral, declined; and, although he regained Kentucky, he lost all his Western conquests but Colorado, Idaho, Montana, and Nevada. After this second defeat the Gold Democrats of the East once more made their influence felt in the party organization and, nominating a conservative New Yorker in 1904, sought to restore the political alignment that Bryan and free

⁴⁴ As well as five (of fourteen) electoral votes in Michigan. The eleven states were: Connecticut, New York, New Jersey, Delaware, Indiana, Illinois, Wisconsin, California, Maryland, West Virginia, and Kentucky.

⁴⁵ See map at end of Chapter I.

⁴⁶ Except for the election of 1912, when the Republican forces were split by schism and the Democrats won all three states by a mere plurality.

silver had wrecked. The undertaking failed. Judge Parker received only 140 of the 476 electoral votes and, aside from the Solid South, carried only Maryland, Kentucky, and Tennessee. In his final campaign of 1908 Bryan found no very convincing issue. The platform took an explicit position regarding the tariff, the trusts, and the railroads; but its fling at "favor-seeking corporations" and its denunciation of the Republican party as "the party of privilege and private monopoly" seemed no more than a pale echo of the shibboleths of 1896. Bryan's vote fell below the figure of that year—his popular vote by 100,000 and his electoral vote by 14. He carried only three Western states—Nebraska, Colorado, and Nevada.

The outlook for the future might well seem gloomy. The Democratic combination was evidently far inferior to the Republican in voting power and—as "a fortuitous concourse of unrelated prejudices," to quote John Hay—presented serious obstacles to harmony. It consisted of three chief elements: the Solid South, dominantly agrarian, which might hope to draw a part of the now doubtful border region into its orbit; certain metropolitan areas, such as New York City, Jersey City, and Chicago, where the political machine responded to the direction of business interests; and an indefinite and diminishing part of the rural West, which differed from the South not only in tradition, but—because the staple crops set the tone of economic thought—in political outlook as well.⁴⁷ It was not easy to hit on a formula that would reconcile these divergent groups. The party rested its hopes on opportunism. Its national campaigns, still more notably than in the eighties and nineties, "assumed the character of political forays and electioneering raids."⁴⁸ Although the Populist inheritance still persisted, the necessity of wresting the Middle and Central states from Republican control modified radical enthusiasm and gave the financial magnates of New York a considerable influence in party councils.

Composition of the Democratic party

Meanwhile, for a period of fourteen years, the Republican party was again supreme in national politics.⁴⁹ It controlled the presidency

⁴⁷ Compare the views that Senator Copeland of New York expressed at a later time (*New York Times*, June 25, 1925): "We have no national Democratic party, we have a Southern Democratic party, a Western Democratic party, and an Eastern Democratic party. We have an urban and a rural Democracy and a Protestant and a Catholic wing, all working at cross-purposes and clashing where there is a point of contact. We not only must beat the enemy, but we must conquer ourselves."

⁴⁸ Holcombe, p. 196.

⁴⁹ It dominated, in the presidential elections, a solid block of seventeen

Second
period of
Republican
supremacy

Rise of
Western
insurgency

Revolt and
schism

and both houses of Congress. But within the party, now that the center of gravity had shifted from the agrarian interests of the West to the capitalistic interests of the East, the premonitory rumblings of a sectional storm of protest soon became audible. Big business, having fastened itself upon the federal government, had set its face resolutely against radical agitation and had applauded the advice of Mark Hanna that the party should "stand pat" and "let well enough alone." The Western farmers, on the other hand, were making war on big business. They were intent upon driving it out of state politics and breaking its corrupt alliance with local party machines. At the same time they demanded more effective federal regulation of railroads and trusts. They began to complain of tariff rates that raised the cost of agricultural implements and other farm supplies. Discontent and restlessness increased as the party leaders at Washington clung to the stand-pat policy. As long as Theodore Roosevelt remained at the White House, however, there was no open rupture between the Western insurgents and the Old Guard. Roosevelt, with his diatribes against "malefactors of great wealth," his vigorous championship of conservation, his prosecution of trusts, and the laws affecting railroad rates, pure foods, and employers' liability which he pushed through Congress, reassured the farmers and wage-earners. Perhaps the "big stick" brought them no very tangible advantages, but it did at least allay the fear of an arbitrary domination by capitalism.

During the first years of the Taft administration that fear was reawakened and intensified.⁵⁰ Into the details it is unnecessary to enter. A series of developments seemed to show that the stand-pat business wing of the party was determined to go its own way without making any concessions to the agrarian wing. The Payne-Aldrich tariff act of 1909 was especially significant. In spite of an "unequivocal" promise in the Republican platform the so-called revision left the high rates practically unchanged and did nothing to satisfy Western grievances. The West showed its exasperation. In the congressional elections of 1910 the Democrats won a majority in the House of Representatives; and the period of Republican supremacy was brought to an end. If the administration had understood better the meaning of this rebuke and shaped its economic policy with a view to conciliating the insurgents, the schism of 1912 could have been averted. Unfortunately, President Taft, with the help of Democratic votes in

states, which assured it a majority in the electoral college. These states were: New England, Middle, Central, and North Central. See map at end of Chapter I.

⁵⁰ H. F. Pringle, *William Howard Taft* (2 vols., 1939).

Congress,^{50a} proceeded with his plan of reciprocity, a plan that gave manufacturers a freer access to Canadian markets and at the same time exposed the farmers along the entire frontier to Canadian competition. This was a singular, one-sided method of revising the tariff. The insurgents, satisfied that the time for negotiation had passed, took up arms. After all, the prevalent criticism of the major parties as mere traditional groups, distinguished by no opposition of principle or policy and surviving only because of popular inertia, seemed to favor a redistribution of sectional interests.

WOODROW WILSON

The new Progressive party set itself to this task in 1912. It was predominantly an agrarian party, drawing its original impulse from the grain-growers and dairymen of the West and North. It even entertained vague hopes—as the nomination of John M. Parker of Louisiana for the Vice-Presidency in 1916 shows—of penetrating the Solid South. But so little immediate advantage did an adventure in that direction offer that the Progressive leaders were forced to seek an alliance outside the range of agricultural interests. They made a bid for the support of the industrial wage-earners. The platform, capitalizing the spirit of revolt that had spread to the factories and mines, advocated a system of social insurance, safety and health standards, workingman's compensation, a minimum wage for women, and various other reforms. It was, in fact, a farmer-labor platform. Roosevelt's crusade differed from Bryan's, however, in the consideration that was shown to big business in the tariff and trust planks. It was also a less hopeful enterprise, because Roosevelt could not expect to pick up Democratic states in the South as Bryan had picked up Republican states in the West, and because, aside from the Socialists, he faced two enemies instead of one. In the election Taft, who had been re-nominated by the Republicans, carried two states (Vermont and Utah); Roosevelt, six (Pennsylvania, Michigan, Minnesota, South Dakota, California, and Washington). The Progressives made their best showing among the grain-growers and dairymen near the Canadian border. On the other hand, like the Democrats of 1896, "they did not secure the expected support among the wage-earners of the Eastern cities. This was the most ominous feature of the election from the standpoint of Progressive leaders. . . . Their failure to capture

Character
of the
Progressive
party

^{50a} Of course, the agrarian interests of the South had nothing to fear from Canadian competition.

Election of
Woodrow
Wilson

the industrial centers of the East made the future of their party exceedingly precarious.”⁵¹ The effect of the Progressive revolt was merely to divide the Republicans into two camps. Taft and Roosevelt together polled 50.5 per cent of the popular vote (as compared with 51.6 per cent for Taft in 1908); Wilson 41.8 per cent, his total falling below the Bryan vote of 1908 by 120,000. It was the Republican schism that made Woodrow Wilson President and gave him a Democratic Congress throughout his first administration.

Success
of the
Demo-
cratic
admin-
istration

President Wilson assumed from the outset, and in a most definite fashion, the rôle of party leader. In circumstances of great difficulty he held his congressional forces together and guided them along a strategic route that satisfied agrarian grievances without exasperating the industrial and commercial interests. One after another the pledges of the platform were fulfilled. The country had never experienced such a steady flow of constructive legislation. It was inevitable, of course, that a program of such scope and importance would, in some of its aspects, provoke antagonism. But on the whole President Wilson carried moderate opinion with him. “The farmer and wage-earner,” says Professor Holcombe,⁵² “might not have obtained all that they desired, but they obtained enough to satisfy their more urgent wants. . . . Business men might have been aggrieved by the failure to heed their wishes as much as they would have liked, but the settlement, at least for a time, of the tariff, currency, and trust problems gave them relief from political agitation. . . .” The impressive achievements of the Democratic party hurried Progressives and Republicans towards reconciliation and in great measure restored the unity of the Republican combination by the opening of the 1916 campaign. In that campaign attention centered upon the foreign rather than upon the domestic policy of the administration. Here too, faced by the embarrassing problems of the World War, the President had pursued a middle course that suited the country as a whole and made it difficult for the Republican managers to devise an effective attack. Wilson had kept the country out of war. Of what the Republicans would do the uncertain tone of the Hughes campaign gave no indication.

Wilson was reelected by an electoral vote of 277 to 254;⁵³ he had

⁵¹ Holcombe, pp. 277-278.

⁵² *Op. cit.*, p. 287.

⁵³ Wilson carried the Solid South, all the border states but West Virginia, all the West Central states but South Dakota, all the Mountain states, all the Pacific states but Oregon; and also New Hampshire and Ohio. The Middle and North Central states were solidly Republican. See Ray Stannard Baker, *Woodrow Wilson—Life and Letters* (8 vols., 1927-1939).

The
election
of 1916

a popular plurality of 600,000 over Hughes. The election was exceedingly close; and, if the Progressive element in California had been treated with more consideration, Hughes would have won by three electoral votes. "In general," says Professor Ogg,⁵⁴ "Hughes carried the East and Middle West; Wilson the South and far West. . . . Broadly speaking, the alignment was town against country, agriculture against industry; and the Democrats were saved from complete defeat only by their inroads upon Republican strength among the farming population of the newer states." Wilson was supported by many Progressives who still harbored the sore feelings of 1912. His victory was a personal victory, reflecting popular admiration of his leadership. The Democratic party did not fare well in the congressional elections, its majority in the House of Representatives being swept away and the balance of power passing to half a dozen independents. The majority in the Senate was reduced from sixteen to ten.

REPUBLICAN ADMINISTRATION

Harding
and
Coolidge

The Republican recovery was still further emphasized in the congressional elections of 1918. The political truce, which had begun when the United States entered the war, came to an end with the collapse of the Central Powers. President Wilson made a direct appeal for the election of a Democratic majority to both houses. High as his popularity stood at that time, however, it did not influence the judgment of the electorate. The Republicans obtained a working majority in the Senate and 238 of 435 seats in the House. "The sectional distribution of members belonging to the two major parties," says Professor Holcombe,⁵⁵ "was almost identical with that which had existed ten years earlier, when the Republicans had not yet been divided by internal dissensions. The only effect of the renewal of partisanship had been to consolidate the two parties upon substantially the same lines as before the Progressive movement began. . . . The sectional interests which constituted the Republican party remained true to the party, notwithstanding the admiration which many individuals must have felt for the unparalleled achievements of Woodrow Wilson." The Republican Senate refused to ratify the Covenant of the League of Nations; and the issue thus created held a principal place in the campaign of 1920. Warren G. Harding, the Republican candidate, received more than 60 per cent of the popular vote and

⁵⁴ *National Progress, 1907-1917* (1917), p. 381.

⁵⁵ *Op. cit.*, pp. 299-300.

404 electoral votes as against 127 for the Democratic candidate. The victory was unprecedented. Beyond the confines of the Solid South the Democrats carried, by the smallest of pluralities, the single state of Kentucky. Four years later they lost Kentucky and regained Tennessee and Oklahoma. In spite of the third-party movement of 1924, President Coolidge received 54.1 per cent of the popular vote and 382 electoral votes. His party retained control of the Senate by a majority of 14 and of the House by a majority of 59.

Agrarian
discontent

With the inauguration of President Harding in 1920 began a third period of Republican supremacy.⁵⁶ It soon became apparent that, as in the time of McKinley and Hanna, the direction of the Republican party lay with the business interests. Through the rapid expansion of manufacture, those interests now held a still more favorable position. According to the review of basic industries in the census of 1920, manufactures predominated in seventeen states; in Massachusetts, Rhode Island, Connecticut, and New Jersey less than 10 per cent of the people were engaged in agricultural pursuits.⁵⁷ Under the circumstances the Republican combination gave ominous signs of incoherence. Discontent flamed once more on the Western prairies, where the collapse of war prices had left the farmers prostrate. In Congress the appearance of the Farm Bloc recalled the sinister course of insurgency in the previous decade; and Senator La Follette's independent campaign for the presidency in 1924 made the apprehension of schism a reality. Although La Follette's progressive or farmer-labor movement did not survive the election, the dissatisfaction of which it was symptomatic showed little decline. Many farmers and wage-earners cast Democratic ballots in 1926. The Republican majority in the House declined to 39, in the Senate it almost disappeared. Nominally, the Republicans, holding 49 seats, could control the Senate without dependence on the casting vote of the vice-president. Actually the half-dozen insurgent Republicans held the balance of power. The Democrats could forget their own plight by contemplating the tragedy of triumphant Republicanism. It was domestic tragedy of a kind that often leads to Reno. Within the imposing party edifice could be heard the crash of furniture and crockery, as a rather selfish and domineering Eastern husband found out what his Middle-Western wife really thought about their life together.

There were, however, no premonitions of Republican disaster in

⁵⁶ *Lives of Harding* (by Samuel Hopkins Adams) and *Coolidge* (by Claude M. Fuess) appeared in 1940.

⁵⁷ See Holcombe, Chapter III, "The Economic Basis of National Politics."

1928. Herbert Hoover—secretary of commerce since 1921 and, by reputation, a great organizer and executive—was nominated on the first ballot at Kansas City. The Democrats, breaking with precedent, held their convention at Houston, in the Solid South; again broke with precedent by nominating the Roman Catholic, Alfred E. Smith, three times governor of New York; and then, in order to soothe the ruffled feelings of the Protestant South, chose Robinson of Arkansas as his running-mate instead of some politician from the Central states. There had never been a Roman Catholic President. Smith was further handicapped by his descent from Irish immigrants, his metropolitan background ("the sidewalks of New York"), his affiliation with Tammany Hall, and his desire once more to put his foot on the brass rail and blow froth from a glass of beer. The whole Border deserted him; and, along with it, four states of the Solid South,—Virginia, North Carolina, Florida, and Texas,—mainly because of the religious issue. The walls that had once been thought impregnable suddenly crumbled. The South lost its solidity. If Democrats could find any comfort in the midst of such a cataclysm, Massachusetts and Rhode Island provided it. These two states, right in the heart of Republican territory, had cast their lot with Smith, whose origin and attitudes appealed to the very strong element of foreign stock and Catholic religion. It is also true that the Democratic percentage of the total popular vote had risen to 41.⁵⁸

The extent of Hoover's victory deserves emphasis, because it affords such a contrast with the débâcle of 1932. He won forty states, 444 of 531 electoral votes, 58 per cent of the popular vote (21,392,190 of 36,879,414). The Seventy-first Congress was dominantly Republican. There were only 163 Democrats in the House, thirty-nine in the Senate. Beyond the Solid South and Border there were only forty-nine Democratic representatives, twenty-three of them from New York;⁵⁹ and thirteen Democratic senators.⁶⁰ Who could have foretold

A Republican triumph

⁵⁸ The Democratic percentage has been: 1892—46.1

1896—46.8	1920—34.2
1900—45.6	1924—28.8
1904—37.5	1928—41.2
1908—43.0	1932—57.3
1912—41.8	1936—60.7
1916—49.2	1940—54.7

⁵⁹ Six from Illinois, three each from Massachusetts, New Jersey, Ohio, and Indiana; two from Nebraska; and one each from six other states, all Western.

⁶⁰ Eight from the Mountain states, two from New York, and one each from Massachusetts, Iowa, and Washington.

the miraculous resuscitation of the Democratic corpse that occurred four years later, when Franklin Delano Roosevelt, apparently raising his party from the dead, achieved a triumph more complete than Hoover's? Did this strange reversal merely reflect a new fluidity of public opinion, a new voting rhythm comparable to the swing of the pendulum in Great Britain? If not, what is the explanation?

Why
disaster
followed

We may look first at the more superficial aspects. In the first place, the enlargement of the Republican party had increased its heterogeneity, emphasized sectionalism, and encouraged revolt against the Old Guard and the Eastern industrial interests. The revolt differed from that of 1912 in the strategy that was followed. The dissidents entered the shell of the old Democratic party. In the second place, President Hoover's lack of capacity as a leader and his tragic mistakes soon wrecked the popularity with which his administration began. From him the people had been led to expect great things. Disillusionment led to distrust and then, among large groups of voters, to positive antagonism. The President professed to be guided by expert advice; yet, on critical occasions, he ignored it. For example, when more than a thousand economists protested against its grotesque rates, he signed the Hawley-Smoot tariff bill. Having himself appointed the Wickersham commission to investigate the working of prohibition, he first misrepresented and then rejected its report. He pushed aside two plans for agricultural relief—one backed by the Grange; the other, by the Farm Bureau Federation—and brought about the establishment of the Federal Farm Board, which spent much money and did the farmer no good. His benevolent intentions sometimes proved costly. He alienated the Negroes by his lily-white policy in the Solid South, and the war veterans by clumsy, if courageous, treatment of a body which marched to Washington for the purpose of influencing Congress. He believed that the country was on the way to complete and final prosperity.⁶¹ When the depression came, he misunderstood it completely. He insisted that it was a temporary and isolated phenomenon (not international in cause and effect), that prosperity was just around the corner, and that all would soon be

⁶¹ In his acceptance speech of August 11, 1928, he said that we "are nearer to the final triumph over poverty than ever before in the history of any land" and that "we shall soon, with the help of God be in sight of the day when poverty will be banished from this nation. There is no guarantee against poverty equal to a job for every man. That is the primary purpose of the economic policies we advocate." He used similar language in his inaugural address.

well—in a couple of weeks, in a couple of months. Such false optimism was resented all the more because Mr. Hoover had been “built up” as a great economist and engineer.

Effect of
depressions
on politics

The Hoover administration, then, had incurred much popular displeasure. But the Republican party had to go before the electorate in 1932 on the basis of Hoover's record and with him as its candidate. It might well expect a hard and close fight. Actually it met with a terrible disaster. The factor that produced this result was the depression. Indeed, all through the history of our party system business depressions have had profound and lasting effects. Thus, the panic of 1873 brought Republican supremacy to an end and ushered in a twenty-year period of balance;⁶² and the panic of 1893 reëstablished Republican supremacy. What was the “tidal wave” of 1874, which submerged the Republicans, converted their two-thirds majority in the House into a similar Democratic majority, and entailed the loss of strongholds like Ohio, Massachusetts, and Pennsylvania? Some thought that the tidal wave resembled the original deluge, being a punishment for sin, a verdict of popular exasperation over abuses that had eaten into the vitals of the party. It was far more the effect of a very severe prostration of business. The “avalanche” of 1894 blotted out Democratic majorities, leaving hardly a dozen Democratic representatives beyond the frontiers of the Solid South and the Border.⁶³ We are confronted by a momentous revolution. Under the leadership of Bryan the Democratic party was transformed. Perhaps one should say that, from the standpoint of principle, Bryan brought the party back to its original rôle as the champion of popular rights; and that, from the standpoint of composition, he rebuilt it on the basis of a new combination of sectional interests. The party of Bryan bore the same name as the party of Cleveland; but it was, in some respects, a very different thing. To-day Roosevelt's party is very different from Wilson's.⁶⁴ What is the explanation? There was a panic in October, 1929, and afterwards a severe depression.⁶⁵

⁶² The panic of 1837 brought the Whigs to power in 1840; the panic of 1857 led to the election of Lincoln; the panic of 1907 presaged a Democratic House in 1910.

⁶³ The number of Democrats in the House was reduced from 218 to 104. The election of 1874 had reduced the number of Republican representatives from 198 to 107.

⁶⁴ Chiefly, perhaps, because of the utter abandonment of the traditional doctrine of states' rights.

⁶⁵ James Truslow Adams in his *History of the United States* (Vol. V, p. 30) recognizes the political effect of business depressions, but puts the

DEMOCRATIC SUPREMACY

1932, 1936,
and 1940

This depression developed more slowly than usual after the stock-exchange crash. There was no tidal wave or avalanche in 1930. The Democrats, gaining fifty-four seats, now controlled the House by one vote; their strength in the Senate increased from thirty-nine to forty-seven seats. The delayed effects of the depression were felt two years later. In the Seventy-third Congress the Democrats had 313 seats in the House (almost 72 per cent), and 60 in the Senate. In the Seventy-fourth they had 322 and 69 respectively. The Republicans were reduced to impotence in Congress. The results of the presidential elections (1932-40) were disquieting, as Roosevelt's record shows: ⁶⁸

	1932	1936	1940
States won	42 ⁶⁷	46 ⁶⁸	38 ⁶⁸
Electoral votes	472	523	449
Popular vote	22,821,857	27,476,673	27,241,939
Percentage of total	57.3	60.7	54.7
Plurality	7,060,016	10,797,090	4,914,713

Roosevelt's
political
acumen

Roosevelt presented a striking contrast to Hoover. There never had been in the White House a more adroit and resourceful politician, or a more dominant leader. He seemed to know instinctively how to manage individuals and masses. Whatever his ultimate purposes might be,—and these were obscured by disconcerting shifts and turns, like the zigzags of Stalin,—he did not divulge them, but left

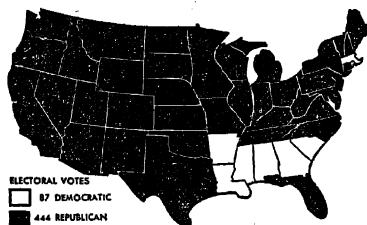
matter in somewhat different form: "Over a period of years [the evils of *laissez-faire*] accumulate and fester in the body politic as poisons might in our own bodies. About once a generation there has resulted an uprising politically of the ordinary man, such uprising usually coinciding with the regular depressions in the economic cycle. Thus we had the rising under Jefferson in 1800, under Jackson in 1828, Lincoln 1860 and Bryan 1896. Under any conditions we were due for another in the 1920's which I believe was merely postponed by the specious prosperity of the latter part of that decade. . . ."

⁶⁶ The minor parties polled 2.9 per cent of the popular vote in 1932 (Socialist, 884,781; Socialist Labor, 33,276; Communist, 102,991; Prohibition, 81,869; Liberty, 53,425; Farmer-Labor, 7,309); 2.6 in 1936 (Socialist, 187,720; Socialist Labor, 12,177; Communist, 80,159; Prohibition, 37,847; Union, 882,479); only .5 in 1940 (Socialist, 116,796; Socialist Labor, 14,861; Communist, 48,879; Prohibition, 59,492).

⁶⁷ The Republicans won in 1932 Maine (5 votes), New Hampshire (4), Vermont (3), Connecticut (8), Pennsylvania (36), Delaware (3).

⁶⁸ The Republicans won in 1936 Maine and Vermont; and in 1940 Maine, Vermont, Indiana (14), Michigan (19), Iowa (11), Nebraska (7), Kansas (9), North Dakota (4), South Dakota (4), Colorado (6).

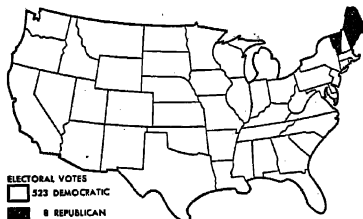
ELECTORAL VOTE 1928



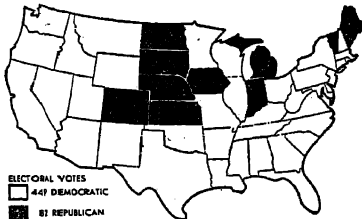
ELECTORAL VOTE 1932



ELECTORAL VOTE 1936



ELECTORAL VOTE 1940



From Keohane, Keohane and McGoldrick
GOVERNMENT IN ACTION, Harcourt, Brace & Co.

MAPS SHOWING PRESIDENTIAL ELECTION RESULTS
 1928-1940

the public to make dubious inferences from his specific activities. Probably he was bent upon changing the economic and social structure. "The only chance his dreams could have of coming true," says Delbert Clark,⁶⁹ "was through building, in substance, a new party, Democratic in name but new in ideals—the party of Jefferson brought up to date. Yet the party machinery must continue to function efficiently, for elections come frequently and congressional majorities were vital. An efficient ruthlessness, a cold brutality, began to show itself in the strictly political aspects of the New Deal, which made the old-time experts gasp with admiration and the altruistic converts with rage." To the perfecting of the machine Postmaster General Farley, chairman of the national committee, lent his native sagacity and the benefit of his apprenticeship in New York.

The President laid the foundation by appealing, as Bryan had done in 1896, to farmers and proletarians. He lavished subsidies upon the farmers in connection with a program of crop-reduction and soil conservation; and he secured the enactment of various measures for their special advantage.⁷⁰ He cultivated the support of labor with equal assiduity, forwarding its interests by legislative and administrative favors.⁷¹ He paid no attention to the protests of employers, whose selfish designs were condemned by the phrase "economic royalists." Labor showed its gratitude in 1936. According to one estimate, "the most authentic figures available indicate that nearly four-fifths of Mr. Roosevelt's total vote may have been cast by the wage-earners."⁷²

His re-
novated
party

⁶⁹ *New York Times Magazine*, August 29, 1937.

⁷⁰ The effects were apparent in the election of 1936. If attention is given to predominantly agrarian states, it will be found that the Roosevelt pluralities over Landon were much greater than his pluralities over Hoover four years earlier: in Minnesota 350,000 as against 237,000; in Montana 95,000 as against 49,000.

⁷¹ Speaking at a dinner in New York, Brigadier General Bisque denounced the favor shown to special classes (*New York Times*, February 23, 1938). "Never before," he said, "had a political administration, elected by a majority of our voters, openly declared and planned such wholesale subsidies to selfish minority groups at the expense of the nation as a whole. The established technique of collecting votes, proven beyond any possibility of denial, and reaching the superlative degree of impudence during the past five years, is to promise and deliver to organized minority groups of voters more and more of the national treasure and the savings of the industrious and thrifty. Even States, separate sovereignties under our basic theory of national existence, are being bribed. That racket has now reached the point where, if not stopped, the entire underlying basis of the marvelous growth of this nation will be destroyed."

⁷² Luther A. Huston in the *New York Times*, November 8, 1936.

There was general agreement among promoters of a permanent farmer-labor party that nothing should be done in that direction while Mr. Roosevelt remained in the White House.⁷³ He had stolen the radical thunder. Some members of his "brain trust" or kitchen cabinet—a shifting body that could boast of little distinction or practical experience—were suspected of inclining towards Socialism or Communism. After five years of the New Deal, Walter Lippmann came to the conclusion that "the President and his favorite advisers dislike the system of private enterprise and distrust most of the individuals who operate it."⁷⁴ General Hugh S. Johnson, once a fervent admirer of the President and head of the National Recovery Administration, spoke in a similar vein: ⁷⁵ "I have seen the gradual growth of the bunch of advisers in the Administration who do not believe in the capitalistic system. . . . You get an administration which has not proposed or put into action since NRA one single policy or action which does not tend toward the socialistic doctrine of government operation of business, or what those nitwits call production for use and not for profit. You get not one single action tending toward the encouragement of business, but a whole cluster of actions which tend toward its paralysis."

Patronage
a factor

The overwhelming strength of President Roosevelt did not depend upon the support of farmers, proletarians, Negroes, and radicals alone. The new services performed by the national government brought about a vast extension of the civil service, largely outside the merit system. By June 30, 1937, 280,000 new jobs had been created; and patronage has always been the chief resource of politicians in building a machine.⁷⁶ Far more effective from that standpoint, however, was

⁷³ In 1936 William Lemke of North Dakota failed dismally in his attempt—with the backing of Father Coughlin, Dr. Townsend, and other leaders of discontented groups—to draw farmers and wage-earners into the Union party. He received 891,858 votes. A plan of 1938 died at birth (p. 301 below).

⁷⁴ "Today and Tomorrow," *Los Angeles Times*, May 20, 1938.

⁷⁵ Before a gathering in New York City. *New York Times*, February 23, 1938.

⁷⁶ In the summer of 1935 Paul Mallon wrote ("The Party Line-up for 1936," *Current History*, July, p. 339): "In many respects the still expanding Democratic organization appears to have been built, though with variations, from Tammany plans." He noted the same care for the poor, furnishing of jobs, and "honest" graft in public works. After analyzing the classes that profited from the expansion of federal activities he said: "Any attempt to estimate the ultimate organization and voting potentialities of the classes here enumerated produces fantastic results. A rough guess at the total number of persons involved in the three classes would approach 30,000,000. . . ."

the distribution of billions of dollars every year for the relief of the unemployed. No matter which party had been in power, the control of such enormous sums would have served to perpetuate its ascendancy. Even if the recipients of relief had been subjected to no political pressure, they would have been grateful; and the liberality of Washington, which appears to have increased on the approach of elections, might be attributed to Mr. Roosevelt's concern for "the forgotten man." In 1938, according to the American Institute of Public Opinion, 84 per cent of the millions on relief were partisans of the President.⁷⁷ As long as unemployment continued on a large scale, Republican hopes of victory, it seemed, must remain dim. Nevertheless, some Democrats looked with profound misgiving upon the type of party that Roosevelt was constructing. "A permanent majority party of the submerged classes," Hugh S. Johnson called it.⁷⁸ "This new party of the discontents is being built out of Negroes, unemployed, as many farmers as can be bribed by benefits, and as many workers as can be incited by class hatred."

After twelve years of quietism under Harding, Coolidge, and Hoover, the country welcomed bold and adventurous leadership. Roosevelt promised at his inauguration "action, and action now." He fulfilled that promise with a bewildering flood of new measures, not always congruous, that served his double object of recovery from the depression and of economic and social reform. The innovator runs the risk of making as many enemies as friends. But Roosevelt was interested in improving the lot of the masses at the expense of the privileged minority. He could afford to incur the hostility of the well-to-do. His prodigal expenditures, which brought immediate benefits to millions of persons, were not accompanied by a comparable growth of taxation, which they would have resented. Within five years the public debt had almost doubled. Notwithstanding repeated promises of a balanced budget, the annual deficit was still reckoned in billions. Yet the Democratic platform of 1932 had accused the Republicans of bringing the government "to a state of financial distress unprecedented in time of peace"; and it had promised "an immediate and drastic reduction of governmental expenditures" and "a saving of

Mounting
public ex-
penditures

⁷⁷ *New York Times*, July 10, 1938. The Institute also reported on the attitude of income groups: Upper group, 33 per cent for Roosevelt (43 in 1936); Middle group, 53 per cent (60 in 1936); Lower group, 73 per cent (77 in 1936).

⁷⁸ *New York Times*, February 23, 1938. He added: "The political strategy is the simple old demagogic formula of uniting those who have less against those who have more."

not less than twenty-five per cent." This was not the only pledge, of the platform and of the President, that was broken.

Democ-
ratic
rifts

Some of Mr. Roosevelt's followers in Congress became alarmed over the colossal expenditures. They saw ahead the prospect of national bankruptcy or inflation. Others feared that the concentration of power in the executive might lead to dictatorship under some less scrupulous successor to the President. They opposed his bill for the reorganization of the federal government on that account. Others again were troubled by the benevolent attitude of the Administration toward the lawless conduct of striking wage-earners, or by socialistic experiments, or by alleged corruption in connection with relief. The President's enormous popularity was not much affected. But, as he entered upon his second term, Congress began to resist his leadership. On February 5, 1937, he suddenly asked for the enactment of a bill that permitted him to break the resistance of the Supreme Court to his legislation by increasing its personnel, under certain circumstances, from nine to fifteen justices. Nothing of the sort had been expected; the platform of 1936 had promised "to maintain the letter and spirit of the Constitution" and, if necessary, to secure a "clarifying amendment." After weeks of debate the bill was rejected by 70 to 20, fifty-two Democrats voting against it. The senators who repudiated the President's leadership included conservatives, like Glass and Byrd of Virginia; moderates, like Clark of Missouri and Burke of Nebraska; radicals, like O'Mahoney of Wyoming and Wheeler of Montana. During the next year the rift in the party ranks widened. It suggested a possible disintegration in 1940 whether Roosevelt retired to private life or, insisting upon a third term, precipitated new revolts.

Future of
Republican
party

Republicans began to entertain a little hope. Shattered by successive and crushing defeats, they had been floundering about irresolutely, without a program and without a leader. Their condition was much worse than that of the Democrats after 1928. They had no nucleus from which to build a new organization, almost no patronage at all; a futile minority in Congress, half a dozen governors, scarcely a mayor in any large city. The party might die, giving way to La Follette's National Progressives or fusing with a residue of Democrats against a farmer-labor party on the Left. It might muddle through, without organic alteration, trusting, like the Democrats in the past, to the turn of fortune's wheel. It might continue the discredited tactics of 1936, sloughing off the remnants of the Old Guard and imitating the New Deal policies—unfortunately without the New

Deal resources in patronage. On the other hand, a conservative orientation might bring better results. Why not proscribe radical doctrines, defend private enterprise and individual initiative, take a firm stand for civil liberties, states' rights, and the preservation of the federal system? Every one of these solutions had some backing, so divided and chaotic had the party become. There was still another proposal—to drop the old name and, with a conservative program, make a bid for the support of Anti-Roosevelt Democrats, who could not go so far as to enlist under the flag of a traditional enemy.

In the summer of 1938 there seemed to be little likelihood of any dramatic breach in historical continuity. With Glenn Frank as chairman, a program committee of two hundred and fifteen members began to prepare the way for a new declaration of principles and policies in 1940. The committee drafted a questionnaire for extensive distribution through the country and organized thirty-five regional conferences at which the leaders in various fields (such as agriculture, banking, labor) should submit their views to discussion. Early in August, at Chicago, the results of these local conferences were laid before round-tables and considered for five days. While the committee did not expect to make a report till a year later, it did issue a brief preliminary statement: "The committee is not attempting to draft a program of short-range political expediencies. Its concern is with a program that will best serve the long-range interests of the people as a whole. . . . It is moving toward a series of policy-suggestions that will seek to safeguard and bring to high efficiency a balanced representative self-government and an adequately regulated system of private enterprise, motivated by a genuine sense of social stewardship, and giving to the weaker members of society reasonable protection against those hazards for which they have no responsibility and which they cannot control."

Preparation of a program

REPUBLICAN REVIVAL

The references to regulation of private enterprise and to protection of the unfortunate deserve emphasis. Apparently they implied acceptance of the main purposes of the New Deal, of course without approving the manner in which President Roosevelt had tried to achieve them. Republican candidates adopted this strategy in 1938. They denounced, not the New Deal, but the methods of the New Dealers—financial extravagance, coddling of labor and harassing of

Middle-of-the-road policy

business, the defects of particular measures, the fantastic schemes of the "Brain-Trust" theorists. They stood for social amelioration and humanitarian progress. A predominant public opinion dictated such a course. If the average voter was tiring of revolutionary innovation and becoming critical of Democratic blunders, he resolutely opposed, nevertheless, a return to the old régime. It now seemed clear that the great mass of Americans entertained much the same point of view and that, consequently, the two major parties would diverge in tendency and detail rather than in fundamental aims, offering no sharp alternative between conservatism and radicalism, between capitalism and collectivism, or between economic royalists and forgotten men. For the immediate future, at any rate, national unity triumphed over discord. That consensus without which democracy cannot endure had reasserted itself.

Victories
in 1938

The off-year congressional elections also made it clear that the party of Abraham Lincoln and Theodore Roosevelt, however chastened, had recovered much of its old vigor. Its sudden revival might well occasion surprise. Normally the congressional opposition increases its strength in the off year. If we take the half-century preceding 1938, it failed to do so only once (1934) in the case of the House and four times (1934 included) in the case of the Senate.⁷⁹ Actually it won control of the House five times out of twelve.⁸⁰ Some significance, therefore, attached to the fact that the Republicans lost, instead of gaining, ground in 1934. That sinister phenomenon, coupled with the disaster of 1936, led some competent observers to expect a new "era of good feelings" and the ultimate disappearance of the Republican party. The elections of 1938 effectively silenced such prophecies. The Republicans gained eight seats in the Senate, bringing their total to twenty-three; eighty seats in the House, bringing their total to one hundred and sixty-nine. They gained twenty representatives in the Middle states, twenty-two in the Central, and eighteen in the North Central.⁸¹ Especially notable were the senatorial victories in Connecticut, New Jersey, Ohio, and Wisconsin. Moreover, the election of eighteen governors (an increase of twelve) gave promise of patronage that was sorely needed in the rebuilding of state

⁷⁹ 1898, 1906, 1914, 1934.

⁸⁰ 1890, 1894, 1914, 1918, 1930.

⁸¹ Of the major-party vote for representatives throughout the country the Republican percentage was 48, as against 40.5 in 1936. In twenty-three states it was above 50; in thirteen it was 54 or over; in Vermont, 64; in North Dakota, 75.

organizations.⁸² The shift of public opinion gave promise of a close presidential election.

The campaign of 1940, like that of 1916, took much of its color from events in Europe. Hitler's rapid conquests, culminating in the French débâcle, diverted popular attention from domestic to foreign affairs; and, since President Roosevelt's foreign policy inspired at that time general confidence, the Republican candidate, Wendell L. Willkie, and his campaign managers had some difficulty in finding effective issues. Their attack upon Roosevelt's breach of the third-term tradition was met by the argument that it would be hazardous, in such stormy weather, to drop the experienced—really indispensable—pilot and trust in the navigation of a landlubber. In the domestic field they could safely challenge only the methods of the New Deal, not its main achievements. Nevertheless, the Republican party suffered no such catastrophic defeat as in 1936. Willkie won ten states, cut Roosevelt's former plurality in half, and reduced his percentage of the popular vote almost to the point of jeopardizing Democratic victory.⁸³ The extent of Republican revival might be shown in other ways; for example, in seventeen states, stretching from New York to Colorado, Roosevelt's plurality fell from 5,600,000 to 652,000. However, a gain of five seats in the Senate was offset by a loss of seven seats in the House.

Within a few months Republican prospects were dimmed by bitter dissension. Willkie, favoring all-out aid to Great Britain, summoned the party "to a higher destiny than the destiny of compromise and negotiation." Midwestern isolationists flouted his advice. The *Chicago Tribune* called him a New Deal Democrat and "a barefaced fraud." Senator Taft held that a defeated candidate could have no claim to party leadership. The cleavage took concrete shape in Congress, where the isolationist faction showed great strength. The House caucus did nothing to set a party line and enforce discipline. Individuals went their own way, recognizing no common leader and no common program. Local interests kept them from taking a broadly national view, although the drift of public opinion, in the country as a whole, seemed to justify Willkie's attitude. The gloomy outlook was somewhat relieved by factional differences among Democrats. Then came the shock of Pearl Harbor and the adjournment of partisanship.

⁸² Republican governors were elected in all six New England states, Pennsylvania, Ohio, all four North Central states, two West Central (South Dakota and Kansas), three Mountain (Wyoming, Colorado, and Idaho), and Oregon.

⁸³ Louis H. Bean (*Ballot Behavior*, 1940, p. 7) finds that the Democrats, to win a majority in the electoral college, need 53 per cent of the popular vote.

Chapter XI

MINOR PARTIES

Minor
parties
before the
Civil War

The minor parties have at certain junctures exerted a powerful influence; and it seems appropriate to indicate the extent of that influence.¹ In the thirty years preceding the Civil War half a dozen minor parties made their appearance.

The Anti-
Masonic
party

Two of them passed away without modifying the course of American politics. The Anti-Masonic party, inspired at the outset by a momentary popular antagonism to secret societies in general and to the Freemasons in particular, soon sacrificed principle to political exigencies and entered its sole presidential campaign (1832) with a member of the Masonic fraternity, William Wirt, as its standard-bearer. Wirt received only seven of the 286 electoral votes. This party, which was soon afterwards absorbed by the Whigs, is remembered chiefly by the fact that it originated the national nominating convention and introduced to public life several men who later achieved eminence—Thaddeus Stevens, Thurlow Weed, William H. Seward. As the tide of immigration rose in the forties, secret societies, which had been so roundly denounced by the Anti-Masons, were organized in New York and neighboring states to combat the political influence of foreigners and Catholics. They upset the calculations of party managers by secretly endorsing native-born candidates, whether Whig or Democrat. At last in 1854 they came into the open and established the American or “Know-Nothing” party,² which carried

¹ For brief descriptions of the minor parties see: *Cyclopedia of American Government* (3 vols., 1914); *Encyclopaedia of the Social Sciences* (15 vols., 1930-1935), F. E. Haynes, *Third Party Movements since the Civil War* (1916); J. A. Woodburn, *Political Parties and Party Problems in the United States* (2nd ed., 1914); T. H. McKee, *The National Conventions and Platforms of All Parties, 1789-1900* (1901); Edward Stanwood, *A History of the Presidency* (2 vols., 1916: rev. ed. by C. K. Bolton, 1928). The party platforms, which appear in McKee and Stanwood, may also be found in Kirk H. Porter, *National Party Platforms* (1924).

² This name was popularly given to the party because members of the secret societies, when questioned, professed to know nothing even of their existence. Although the American party dates from 1854, a convention of

Massachusetts and Delaware that year. In the South the disorganized Whigs, refusing to countenance the Republican party, joined in large numbers; and in 1856, endorsed by the remnant of the Whig party, the American presidential candidate, Millard Fillmore, received 22 per cent of the popular vote and the eight electoral votes of Maryland. Four years later the Americans and Southern Whigs joined hands in the Constitutional Union party, which ignored the slavery issue and recognized "no political principle other than the constitution of the country, the union of the states, and the enforcement of the laws." Polling over 10 per cent of the total popular vote, they carried Virginia, Tennessee, and Kentucky. In that campaign the Democrats were split into a Northern faction under Douglas and a Southern faction under Breckenridge.

The Know-Nothing party

The Constitutional Union party

Parties based on the slavery issue

The Liberty party

Much greater significance attaches to the Liberty and Free Soil parties. They were the precursors of the Republican party, which was organized in 1854 to resist the extension of slavery; and, like it, they were sectional parties in the sense that their stand on the slavery question was incompatible with Southern interests. In 1839, when the movement for the annexation of Texas had gathered some headway, a schism occurred in the abolitionist ranks; those who had become impatient with Garrison's policy of moral suasion and non-political direct action formed the Liberty party. They demanded "the absolute and unqualified divorce of the general government from slavery, and also the restoration of equality of rights among men, in every state where the party exists or may exist." They declared that "all attempts to hold men as property within the limits of exclusive national jurisdiction ought to be prohibited by law," and that as abolitionists they would treat the interstate rendition clause of the constitution, "whenever applied to the case of a fugitive slave, as utterly null and void, and consequently as forming no part of the constitution." The popular response was disappointing. James G. Birney, the presidential candidate, received less than three-tenths of 1 per cent of the popular vote in 1840; and in 1844 only 2 per cent. The 2 per cent, however, proved a decisive factor; in the exceedingly close contest between Polk and Clay the abolitionists drew enough

Native Americans had in September, 1847, nominated a candidate for vice-president and "recommended" Zachary Taylor for president. Nativism has had some influence in politics at other times: notably in 1888, when a second American party appeared with a platform like that of the Know-Nothings of 1856; and after the World War, when the Ku Klux Klan dominated the politics of several states.

votes from the latter in New York to determine the result of the election.

During Polk's administration, when Texas was annexed and vast territories acquired from Mexico, the slavery question passed into a more acute phase. Northerners who would not listen to the moral arguments of abolitionists were much concerned over the possibility of a great increase in both the domain and the political power of the slaveholders. The immediate practical problem had to do with the restriction, not the abolition, of slavery. The Free Soil party, which now took the place of the Liberty party, was composed of abolitionists, "Conscience Whigs," and disgruntled Democrats in New York. The platform, less radical than that of the Liberty party, did not propose any interference with slavery in the states, but announced the principle that there should be "no more slave states and no more slave territory." Martin Van Buren, who had been tricked out of the Democratic nomination in 1844 and who had subsequently broken with the Polk administration, became the presidential candidate.³ He polled over 10 per cent of the popular vote and, developing great strength in his native state of New York, brought about the defeat of the Democratic candidate, Lewis Cass. It has been said of this campaign that "Van Buren's name was in it, but not his head or his heart," and that he and his New York followers had used the Free Soil movement to satisfy a grudge. Four years later, when John P. Hale was the standard-bearer and the Van Buren Democrats had returned to their old allegiance, the party's vote was almost cut in half; in New York it fell from 120,000 to 25,000. As yet few Northern Whigs were ready to identify themselves with a sectional party. Until the stirring events of 1854—the passage of the Kansas-Nebraska Act and the repeal of the Missouri Compromise—which called the Republican party into being, it seemed possible to keep the slavery question outside of practical politics.

SOCIALISM

Minor parties have been numerous since the Civil War. Four made their appearance in 1872, and four or more in most subsequent campaigns.⁴ It will be convenient, for the purposes of a summary de-

³ He had already been nominated by the "Barnburners" or anti-administration Democrats of New York.

⁴ In 1876 and 1880 only two; in 1892 three.

scription, to group them in several categories. In the first place three of them have persisted over so considerable a period that they may fairly be classified as permanent organizations: the Prohibition, Socialist Labor, and Socialist parties; and, alongside of these, a place may be found for the more recently organized Communist party. The Prohibition party, which has been active for seventy years, has already been described.⁵ Its highest vote was cast in 1892—271,000, or a little more than 2 per cent of the total popular vote; its lowest in 1928—20,000 (five hundredths of 1 per cent of the total). The percentages in the last three presidential elections were .2, .08, and .1, the 1940 vote being nearly 60,000. The Socialist Labor party had been the dominant factor in American Socialism for fifteen years when it first put forward a presidential candidate in 1892.⁶ Though calling itself a party, it abstained from political activity during the early period and relied upon agitation and propaganda among the working class, a policy of slow permeation.⁷ By 1890, however, the party had fallen under the control of Daniel De Leon, a clever but visionary man, whose writings have helped to give a syndicalist tendency to Scotch and Welsh Socialism. Under his direction the antipolitical bias disappeared and at the same time an attempt was made, by the tactics of boring from within, to fasten Socialism upon the Knights of Labor and the American Federation of Labor. Defeated in both organizations,⁸ De Leon now tried to supplant them by founding the Socialist Trade and Labor Alliance as an appendage of the party. This “hammering from without” failed as completely as the boring from within; and the effect of De Leon’s successive manoeuvres, so grotesquely miscalculating the temper of the trade-union movement, was to create in the ranks of organized labor a profound distrust of Socialism. Schism rent the Socialist Labor party in 1899. Many of its members passed over to the Social Democratic or (to

I. Permanent parties:

1. Prohibition

2. Socialist Labor

⁵ See Chapter VI.

⁶ Jessie W. Hughan, *American Socialism of the Present Day* (1911), Chapter III; Selig Perlman, *A History of Trade Unionism in the United States* (1922), Chapter IX.

⁷ “The sections of this party and all workingmen generally are earnestly requested for the time to abstain from all political movements, and to turn their backs upon the ballot box.” Yet local candidates were sometimes named. Hughan, *op. cit.*, p. 37.

⁸ He did win momentary successes by securing the election of a Socialist as Master Workman of the Knights of Labor in 1893 and the defeat of Samuel Gompers for reelection as president of the A.F. of L. in 1895.

use the name adopted in 1901) Socialist party. According to the Communist, William Z. Foster,⁹ it "had not been able to root itself firmly among the American masses. It remained a skeleton organization of the foreign-born, and its program and activities had little immediate relation to the life of the native workers. The main cause of this was its narrow sectarian policy," especially under the leadership of Daniel De Leon.

Its small
vote in
elections

Its slight significance in American politics becomes manifest at election time. In 1896—before the schism—its presidential candidate polled only 35,500 votes, a quarter of 1 per cent of the total vote. Never since then has it approached that strength; for in 1924, when the figure rose to 39,000, women had the suffrage.¹⁰ More recently the vote has been: 33,276 in 1932; 12,777 in 1936; and 14,861 in 1940 (less than three hundredths of 1 per cent of the total). One is amazed at finding persistence under such adverse circumstances. Perhaps it may be well to show here that the Socialists and Communists, who seem formidable through the noise they make, have now a very small following in the country.

THE SOCIALIST VOTE

1900—94,768	1920—919,799
1904—402,400	1924—endorsed La Follette ticket
1908—420,820	1928—267,420
1912—897,011	1932—884,781
1916—585,112	1936—187,720
1940—116,796	

THE COMMUNIST VOTE

1924—33,361	1932—102,991
1928—48,770	1936—80,181
1940—48,789	

Thus, in 1940 the Socialist vote was two tenths of 1 per cent of the total; the Communist vote, less than one tenth of 1 per cent. Consider also the dues-paying membership:

SOCIALIST MEMBERSHIP ¹¹

1903—15,970	1915—79,374
1909—41,479	1919—104,822
1912—118,045	1920—26,766

⁹ *The Crisis in the Socialist Party* (1936), p. 3.

¹⁰ The percentage of the total vote was less than fourteen hundredths of one.

¹¹ The figures down to 1931 are taken from W. Z. Foster, *The Crisis in the Socialist Party* (1936), pp. 3, 31, 34, 37, and 41. From 1931 to 1937 they were furnished to me by the headquarters of the Socialist party. Latterly Socialists and Communists alike have refused to give any figures.

1927-7,425	1934-20,951
1931-10,389	1935-19,121
1932-16,863	1936-11,922
1933-18,548	1937-10,549

COMMUNIST MEMBERSHIP ¹²

1930-7,500	1934-26,000
1931-9,000	1935-30,000
1932-14,000	1936-41,000
1933-18,000	1938-65,000 (?) ¹³

The Socialist party may be said to differ from the Socialist Labor party in the fact that it has been less doctrinaire, less dogmatic, less rigid in its adherence to the principles of Karl Marx. Down to 1934 it was revisionist (in the manner of the German, Bernstein), reformist, opportunist. The platforms said nothing about the inevitable collapse of the capitalistic régime, a fundamental doctrine with Marx; ¹⁴ and they did, in putting forward a long list of "immediate demands," indicate a belief in the gradual building up of the Socialist Commonwealth. ¹⁵ The threat of a general strike and of the employment of force reflects a new tendency. ¹⁶ A further difference could be found in the attitude of Socialists towards organized labor. That attitude was defined almost forty years ago, in language that excluded any rash adventures of the De Leon variety. "We recognize," declared a reso-

Difference
between
socialist
parties

¹² Foster, *op. cit.*, p. 39. Later reliable data cannot be obtained.

¹³ The 1938 figure is taken from *Time*, May 30, but with little confidence. Nor can we accept for 1939 an estimate of 100,000 by Martin Dies (*Congressional Record*, May 17, 1940, p. 9619), who also fixed the annual income of the party and controlled bodies at \$10,000,000 (*ibid.*, p. 9623). Perhaps because of marked depletion of its ranks, the party refuses to give any data.

¹⁴ The tone has changed now in references to "decaying capitalism" and its "destructive, wasteful, and brutally oppressive social system." We are told that "capitalism is doomed," but may have to be overthrown by force. *Socialist Handbook* (1937), pp. 15 and 20.

¹⁵ The 1936 platform, following normal practice, called for many immediate reforms. It dealt with such matters as rights of the Negro, judicial usurpation, and socialized medicine. But the party, now having moved further to the Left, took a new line in 1940. Like the Socialist Labor party, it sought no palliatives, but demanded complete socialization at once. The convention did, however, adopt sixteen resolutions (*Proceedings* of 1940, pp. 3-20). It denounced conscription, military expenditures, economic aid to Great Britain, and other "steps short of war" (in the manner of "not a penny, not a man to the military arms of the government" in 1936); Britain's aims of imperialist exploitation in the present war; and "Stalin's hideous regime," with which it was most friendly in 1936. In fact, the resolutions contained many immediate demands.

¹⁶ *Ibid.*, pp. 19 and 20.

lution of 1901, "that trade unions are by historical necessity organized on neutral ground as far as political affiliation is concerned."¹⁷ On the other hand, the Socialist Labor party insisted that the craft union, which is based on the tool used or the specialized function performed, should give way to the industrial union, which is based on the product;¹⁸ and that industrial plants, though owned by the state, should be managed by the workers themselves.¹⁹ At the end of the late war Guild Socialists in Great Britain advocated a similar plan. Recently the Socialist party has come to the support of the C.I.O. and industrial unions, and it advocates the "democratic management of industry through elected and responsible representatives of the workers in each industry and of the workers and consumers as a whole."²⁰

The Socialist party believes in overthrowing the "insane" social arrangements of capitalism and setting up the genuine coöperative commonwealth of Socialism.²¹ It "will begin the job of establishing

¹⁷ There is little neutrality left to-day. "The Socialist party endorses the C.I.O. and urges unanimous support from its party members." *Socialist Handbook* (1937), p. 43. Socialists who are eligible must form a trade union and in it conduct propaganda. They must "strive to win leadership in these groups" and "draw those progressive workers closer to the Socialist point of view. By this work the trade union section of the party becomes a recruiting center for the party." *Ibid.*, pp. 46-47.

¹⁸ Thus, all those employed by the railroads in any capacity should form a single union, since all bear a part in furnishing transportation. See Chapter VI. The platform of 1940 says. "We call upon the workers of America to organize themselves into integral Socialist Industrial Unions to enforce the demand for collective ownership proclaimed through the ballot. But we at the same time caution the workers that such unions *must be organized*, for none now exist. The C.I.O., A.F. of L. and similar organizations are agencies of capitalism [since] they are pledged to maintain the system of private property, and structurally lend themselves preeminently to the furthering of capitalist interests."

¹⁹ According to the platform of 1940, "Democratically elected representatives of the industrial constituencies will form an Industrial Union Congress, the duties of which will be the simple ones of directing, coordinating and supervising production for the benefit of all."

²⁰ *Socialist Handbook* (1937), pp. 16-17. Conversion to industrial unionism dates back to 1912. According to a resolution of 1920: "The Socialist party does not intend to interfere in the internal affairs of labor unions, but will support them in their economic struggle. In order, however, that such struggle might attain the maximum of efficiency and success, the Socialists favor the organization of workers along the lines of industrial unionism, in closest organic co-operation, as an organized working class body."

²¹ H. W. Laidler, *History of Socialist Thought* (1927). The organ of the party is the *Socialist Call*, a weekly costing \$1.00 a year. The convention of 1938, learning that not half the members of the party subscribed, made subscription mandatory unless the members subscribed instead to an organ of a

public ownership with the large scale industries . . . , and will extend the process of socialization as rapidly as possible until unearned income, in the form of rent, interest, dividends, and profit, is finally abolished.”²² Formerly this transformation was to be accomplished by means of the ballot. Even to-day the party “proclaims anew its faith in economic and political democracy.” But democracy cannot be perfected as long as class-rule persists. It may be necessary to employ the general strike and so “carry the revolutionary struggle into the camp of the enemy.” While peaceful and orderly means are preferable, the party “will not hesitate” to crush counter-revolutionary movements and “rally all possible forces to organize and maintain a government of and for the working class.”²³ The language is more polite than Lenin’s. The dictatorship of the proletariat is not even mentioned by name. Yet, for a time, the Socialists did draw near to Moscow. In 1937 they called upon the workers “to come to the support of the Soviet Union. Direct support should be given . . . by opposing any blockade, by striking against all shipments of supplies to the enemies of the Soviet Union, and by direct aid in the form of men, money and munitions to the U.S.S.R.”²⁴ Nevertheless, the Socialists refused in 1936 to join the Communists in supporting a “united front” ticket, and by 1940 became bitterly hostile.

Two wings
of the
party

Through its first thirty years the Socialist party took a more moderate stand. It was dominated by the Right Wing. From its inception, says William Z. Foster, a prominent Communist,²⁵ it “attracted many elements of the city petty bourgeoisie . . . who were in no sense Marxian revolutionaries. Hence the Party became infested with a horde of lawyers, doctors, preachers, professors, journalists, small businessmen, with an occasional ‘millionaire’ Socialist thrown in. And they, extra-vocal and energetic, soon arrived at complete domination over the Party.”²⁶ Their policies were vigorously and continuously

foreign-language section. The organ of the Socialist Labor party is the *Weekly People* (\$2 a year).

²² *Socialist Handbook* (1937), p. 16.

²³ *Ibid.*, pp. 19 and 20.

²⁴ *Socialist Handbook* (1937), pp. 25-26.

²⁵ *The Crisis in the Socialist Party* (1936), pp. 7-8.

²⁶ Even in 1936 the executive committee of eleven included four preachers, four lawyers, two professors, and just one proletarian trade-union official. *Ibid.*, p. 43. “The general result of the Socialist Party’s traditional, flabby, reformist, class-collaborationist policies, dictated by its opportunist middle-class leadership, has been that the Socialist Party could not and did not become a strong, mass revolutionary party.” *Ibid.*, p. 25.

assailed by the proletarian Left Wing, which included Trautmann, Ruthenberg, Haywood, and Debs. The conflict between the two wings led to a series of schisms and secessions. As early as 1905 a cleavage appeared when the Left Wing, always antagonistic to the American Federation of Labor, clamored for the establishment of revolutionary industrial unions. When the party refused to accept their views, Haywood and Debs joined hands with Daniel De Leon and organized the Industrial Workers of the World.

I.W.W.
founded

The I.W.W. proposed to fight capitalism on parallel lines of industrial organization.²⁷ According to its declaration of 1908, it condemned craft unions as fostering "a state of affairs which allows one set of workers to be pitted against another set of workers in the same industry, thereby helping to defeat each other in wage wars"; and it sought to organize the working class in such a way that "all its members in any one industry, or in all industries if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all." The ultimate aim was the capture of the industrial machine and the installation of democratic control—self-government transferred from the field of politics to the field of industry. In the warfare upon capitalism only economic weapons would be used, for all convinced syndicalists, as distinguished from Socialists, eschewed political methods. Unrestrained by law and morality—these being regarded as rules laid down by the capitalists for the protection of their own interests—they were ready to employ any form of violence that recommended itself as expedient and effective. But the normal weapons were the strike, which should be sharp and unexpected; and sabotage, which harassed the employer and jeopardized his profits. The importance of the I.W.W. lies in the daring and recklessness of its leaders, not in numbers. At high tide, after the Lawrence strike of 1912, it claimed a membership of only 18,000. Eventually some of the leading spirits found their way into the Communist party.²⁸

²⁷ See P. F. Brissenden, *The I.W.W.: a Study in American Syndicalism* (1919); Vincent St. John, *The I.W.W.: History, Structure, and Methods* (1917); and J. G. Brooks, *American Syndicalism: The I.W.W.* (1913).

²⁸ There is, of course, some similarity in the aims of the I.W.W. and of the Communist party. Yet the latter accuse the syndicalists of certain doctrinal errors, especially reliance upon the industrial unions as the major fighting force and purpose of establishing a trade-union state.—De Leon, insisting on political as well as direct economic action, precipitated a schism in 1908. Henceforward the "Detroit I.W.W." or Workers' International Industrial

Schism rent the Socialist party for the first time in 1909. The revolutionary elements, unable to control the state convention at Everett, Washington, organized a local Socialist party of their own. They were expelled by the national executive committee. Many of them joined the I.W.W. Of far greater moment was the split in 1912. The national convention, by a vote of 190 to 91, adopted a constitutional amendment requiring the expulsion of any member of the party who opposed political action or advocated "crime, sabotage, or other methods of violence." How strong the revolutionary Left Wing had grown appears not only in the vote on the resolution, but also in the fact that party membership fell from 118,045 (the highest figure ever reached) to 79,374 in 1915.²⁹ A fresh schism occurred in 1919 on account of the party's antagonism to the Russian revolution and to the various proletarian uprisings elsewhere in Europe. Once more revolutionary elements were sloughed off. Within a year membership declined from 104,822 to 26,766.³⁰ Within fifteen years an entirely new situation developed. The Left Wing wrested control from the moderates, whom they proceeded to read out of the party. This surprising reversal may be attributed to two factors: the rapid growth of radicalism among the masses; and the apparent necessity of moving toward the Left in order to preserve the identity of Socialism as against the socialistic New Deal. The Detroit convention (1934) denounced "the bogus democracy of capitalism," entertained doubts about the efficacy of democratic and legal methods, and vaguely endorsed the dictatorship of the proletariat under the name of "workers' democracy." The Cleveland convention (1936), it is true, watered down several key paragraphs of the Detroit program. But the doctrine of the party, as fixed by the special convention of 1937, shows that, with the secession of the so-called Old Guard, the revolutionists of the Left have gained fairly complete dominance. The result, as shown by the presidential vote (885,000 in 1932; 117,000 in 1940), has been ominous. In 1941 (*New York Times*, June 2) a California branch of the party flayed the peace-at-any-price policy of Norman Thomas as merely winning the plaudits of Communists, Nazis, and Christian Fronters, of Quislings and fifth columnists.

Union opposed the violent methods that were associated with the more important group.

²⁹ The popular vote declined from 897,001 in 1912 to 585,112 in 1916.

³⁰ The popular vote declined from 919,799 in 1920 to 267,420 in 1928. In 1924 the party ran no presidential candidate of its own, but endorsed the independent candidacy of La Follette.

COMMUNISM ³¹

Commun-
ism turns
to the
Right

While the Socialist party has suddenly darted to the Left, with equal suddenness the Communist party has dropped its doctrine of violence and world revolution. "Communism does not propose to 'capture' the bourgeois parliamentary state," its first manifesto announced, "but to conquer and destroy it." What is the language of 1938? The party carries forward the traditions of Jefferson, Jackson, and Lincoln; "it upholds the achievements of democracy . . . and defends the United States Constitution against its reactionary enemies who would destroy democracy and all popular liberties. . . . It opposes with all its power any clique, group, circle, faction or party which conspires or acts to subvert, undermine, weaken or overthrow any or all institutions of American democracy whereby the majority of the American people have obtained power to determine their own destiny in any degree." It stands "unqualifiedly for the right of the majority to direct the destinies of our country."³² The American Legion could display no more patriotic ardor. It is a little strange to hear Communists preaching the forcible inauguration of the dictatorship of the proletariat and then, before the echo of their revolutionary pronouncements has died away, professing to be the followers of Lincoln and the devoted champions of democracy. At least they know how to obey orders from Moscow.

Orders
from
Moscow

The Communist party is merely a branch of the Communist International. Formal severance of the tie, because of the Voorhis Act (October 17, 1940), has not affected its loyalty to Moscow.³³ In 1935 the seventh congress of Comintern pushed world revolution into the background and laid down a new policy of "flexible tactics." In future "the concrete situation and the alignment of class forces" must be taken into account, in order to "ensure the mobilization of the widest masses of toilers for the united struggle against fascism."^{33a} The People's Front became the order of the day. "Overnight, the Trojan horse was wheeled in, the previous techniques of direct attack and no

³¹ E. A. Bittelman, *Milestones in the History of the Communist Party* (1937); Earl Browder, *The Communist Party* (1941), *Communism in the United States* (1935), *What is Communism?* (1936), and *The People's Front* (1938); Benjamin Gitlow, *I Confess: The Truth about American Communism* (1940).

³² *Constitution and By-Laws of the Communist Party* (1938). This is the first written constitution, a draft of 1929 having been suppressed.

³³ *New York Times*, November 17, 1940.

^{33a} Bittelman, *op. cit.*, p. 14.

compromise junked, the era of respectability inaugurated.”³⁴ In other words, “the party has had its pants pressed, its hair cut, its nails manicured and—sometimes with an invitation, but often without it—is going out in our best society. The role is a new one. . . . Word came down from Moscow to wash up and go respectable.”³⁵ Equally sudden and Moscow-inspired was the abandonment of pacifism in 1941.

The Communist party dates its foundation from the fall of 1919. At that time seceding Socialists of the Left Wing, unable to agree among themselves, set up two rival and antagonistic bodies—the Communist party and the Communist Labor party. When these united, two years later, they took—and retained till 1929—the name of Workers’ party, because communism, relying upon physical force to overthrow the bourgeois state and establish the dictatorship of the proletariat, was generally prosecuted in the United States. Formal union did not banish discord. Moscow has intervened repeatedly to give one faction the accolade of orthodoxy and even to expel leaders like Lovestone and Gitlow. Twice at least (1925 and 1929) a minority group has been put in control, eight members of the national committee, on one occasion, triumphing over ninety-seven; and yet we read in the constitution of 1938³⁶ that every member of the party “has not only a right, but a duty, to participate in the making of the policies of the Party.” In actual fact, of course, it is his duty, on pain of expulsion, to accept instantly whatever sudden and capricious shifts Moscow may dictate.³⁷ One shift has forced him to abandon the most fundamental tenets of his old creed, to insist upon alliance with bourgeois groups in the People’s Front and to spout patriotism. Other shifts have forced him to denounce the Munich accord; then, eulogizing Stalin’s treaty with Hitler (August, 1939), shake hands with the Nazis; and finally, when Hitler invaded Russia in June, 1941, call for a life-and-death struggle against the Reich.^{37a}

An applicant for membership must be endorsed by two members of the party and accepted by a majority vote of the membership of

Schisms and
reversals

³⁴ *Time*, May 30, 1938.

³⁵ Stanley High, “Communism Presses Its Pants,” *Saturday Evening Post*, July 9, 1938, p. 5.

³⁶ Article VI, section 2.

³⁷ Gitlow wrote in 1939 (*op. cit.*, p. 496): “Thus the resemblance of hundred per cent harmony and unanimity is achieved. New liquidations of dissidents take place quietly, without any back talk.”

^{37a} In the *New York Times* (July 27, 1941) Russell B. Porter analyzed at length the sudden and complete reversal of attitude by the party and seven allied groups. Overnight Britain’s “imperialist war” became a crusade for democracy.

Member-
ship and
organi-
zation

the local branch that he seeks to join. He pays an initiation fee of fifty cents and monthly dues that vary with his earnings.³⁸ The national office receives 50 per cent of the initiation fee and 35 per cent of the monthly dues. The member publicly pledges himself "to remain true to the principles of the Communist Party, to maintain its unity of purpose and action, and to work to the best of my ability to fulfil its program."³⁹ The organization of the party rests upon local branches (shop, industrial, neighborhood), each of which has an annually-chosen executive committee. These are gathered into "sections" by means of an annual convention. State and national conventions, held biennially, and their executive committees complete the hierarchical edifice. Delegates are elected directly only for the section convention, but in all cases are proportioned to the size of the membership. The national committee elects from among its own members an executive—called "political"—committee; and also, for purposes of discipline and the detection of spies or double-dealers, a control commission which includes only "the most exemplary party members" of five years' standing.⁴⁰

Distinction
between
Socialism
and Com-
munism

"Socialism" and "Communism" used to be interchangeable terms. It is only because of recent occurrences that they have come to mean somewhat different things. The followers of Lenin preferred the name of Communists in order to differentiate themselves from the various Socialist and Social Democratic parties which looked for a solution through parliamentary methods. The Communists pose as the only orthodox Marxians and emphasized before 1935 the need of physical force to overthrow capitalism and of dictatorship to consolidate the results of the proletarian revolution. Yet this distinction could hardly be drawn from the most recent declarations of the Socialist and Com-

³⁸ They start at ten cents, rising to \$1 when earnings range between \$112.01 and \$160 a month. For every additional \$10 of income, fifty cents more must be paid. (Members of the Socialist party pay fifteen cents a month to the national office and are subject to certain assessments. Constitution, Article XI.) Members who are four months in arrears shall be stricken from the party rolls. A similar provision of the Socialist constitution fixes the period at six months. The Socialists intend to set up a system of annual dues.

³⁹ The pledge required by the Socialist party runs: "I, the undersigned, recognizing the class struggle, hereby apply for membership in the Socialist party of the United States of America. In all my political actions while a member of the Socialist party, I agree to abide by the constitution, Declaration of Principles, decisions, and platform of the national organization."

⁴⁰ One of the numerous organs of the Communist party is the *Daily Worker*, which Moscow has subsidized heavily. See Benjamin Gitlow, *I Confess: The Truth about American Communism* (1940).

munist parties in the United States. In fact the Socialists take to-day—officially—the more revolutionary position. Thus, the Socialists denounce the People's Front as opportunistic: "There is essentially no distinction between the People's Frontism of today and coalitionism of the past. Both depend on alliance with capitalists to defeat fascism, both abandon the struggle for Socialism. . . ." ⁴¹ They profess to favor the formation of a labor party or a farmer-labor party. The party "has always advocated independent political action on the part of the workers. It advocates today, as it has in the past, that the labor movement launch a labor party. . . . The Communist Party has become one of the best organized and most determined opponents of independent political action by labor." The Socialist party "alone assumes the political leadership of the struggle for genuine labor political action." ⁴² Why, then, the plaint of the Communists? Why does Foster say that even to-day the Socialist party "is passive upon this whole question and still has the lingering feeling that the Labor Party is its rival"? ⁴³ The truth is that the party insists upon retaining a place of leadership. It "must maintain and strengthen its party organization and its independent forces regardless of what developments take place in the field of political action. A labor party, resting primarily upon the trade union organization, cannot take the place of the Socialist Party. A labor party is in general reformist in action." ⁴⁴

⁴¹ *Socialist Handbook* (1937), p. 27. The Socialists, nevertheless, will "vigorously work for specific co-operative undertakings or united fronts" after considering each case separately and finding out whether the party will profit thereby, the promised results will justify the effort, and the movement will be joined by the various progressive groups and not by the Communists alone. *Ibid.*, pp. 30-31.

⁴² *Proceedings*, National Convention of the Socialist Party, April, 1938. Pages not numbered. In 1940 there was no allusion to a labor party.

⁴³ *The Crisis in the Socialist Party* (1936), p. 14. Foster says (p. 54): "It is true that the Socialist Party does lip service to the question of the Farmer-Labor Party, but that is about as far as it goes."

⁴⁴ *Proceedings*, Socialist convention of 1938. According to another passage in the Labor Party Resolution, "the Socialist party alone assumes the political leadership of the struggle for genuine labor political action." It "cannot be content merely to go along with labor party movements but must lead in the fight for independence in the political field." Note also in the *Socialist Handbook* (1937), pp. 36 and 39, the conditions that are laid down for joining in any movement for a labor or farmer-labor party.—The Communists have met with little success in dealing with labor, according to L. L. Lorwin, *The American Federation of Labor* (1933), p. 270. They "found the same difficulties in building up trade unions as they had experienced in other countries. Interested in large and spectacular mass movements, they found it

LIBERAL-REPUBLICANS AND PROGRESSIVES

II. Parties
based on
revolt from
major
parties

1. Liberal
Republican

Those minor parties which have sprung from sharp cleavages of opinion and open revolt in the major parties may be regarded as forming a second class. Of course, the rebels may go no farther in expressing their discontent than to bolt the ticket, as the "Mugwumps" did in 1884.⁴⁵ But circumstances have sometimes warranted a more complete severance of partisan ties; and in 1872, 1896, 1912, and 1924 secession took an organized form. (1) The Liberal Republican movement of 1872, which was sponsored by some of the most eminent men in the Republican party, such as Charles Sumner and Horace Greeley, Carl Schurz and Charles Francis Adams, reflected the conviction that President Grant and his advisers had been "guilty of wanton disregard of the laws of the land and of usurping powers not granted by the constitution," that they had "kept notoriously corrupt and unworthy men in places of power and responsibility" and "used the public service of the government as a machinery of corruption and personal influence," and that they had "kept alive passions and resentments of the late civil war, to use them for their own advantage." There was agreement on these points, but not in respect to the tariff. The platform, candidly recognizing the inclination of some toward protection and of others toward free trade, remitted the discussion of the subject "to the people in their congressional districts." Horace Greeley, a high protectionist, was nominated for the presidency. When the Democratic convention accepted both the platform and the ticket of the Liberal Republicans, a dissident minority of "Straight-out" Democrats, asserting that they had been betrayed "into a false creed and a false leadership," nominated Charles O'Connor, who was already in the field as candidate of the Labor Reform party. Grant was reëlected by a larger majority than he had received four years earlier; and the Liberal Republican party fell to pieces, some of its adherents

much easier to arouse discontented workers than to hold them in permanent economic organization. Their preparations for strikes were hasty; their leadership faulty. Besides, despite their attacks on the 'bureaucracy' of the A.F. of L., they showed but little regard for democratic methods." Their methods were "dogmatic and 'mechanical.' Everything was cut and dried. Intelligent non-party workers were squeezed out. A few leading communists completely dominated the unions and laid down programs; there was no real effort toward consulting rank and file membership."

⁴⁵ The Mugwumps were Republicans who, objecting to the nomination of James G. Blaine, voted for the Democratic candidate, Cleveland, or the Prohibition candidate, St. John.

passing over to the Democrats. (2) Again in 1896, when the Republicans declared themselves "unreservedly for sound money" and the Democrats demanded the free and unlimited coinage of both gold and silver, party lines were broken. The "Silver Republicans," styling themselves the National Silver party, endorsed the Democratic national ticket; the "Gold Democrats," under the name of the National Democratic party, nominated John M. Palmer for president. Palmer received 131,529 popular votes, or ten thousand less than the Prohibition candidate.

2. Secessionists of 1896

(3) Far more importance attaches to the disruption of the Republican party in 1912, because this was certainly responsible for the election of Woodrow Wilson that year and probably responsible for his reelection in 1916. There were, when the Republican national convention met in 1912, as there had been for years past, two warring elements in the party, one conservative and the other radical; and the methods employed by the former in securing the nomination of President Taft led to the secession of Theodore Roosevelt's followers and the organization of the Progressive party. The Progressives, with a platform that called for social reform and more democratic political machinery, proved much stronger than the Republicans in the election;⁴⁶ and, although the family quarrel was quickly healed by a common antagonism to the Wilson administration, its effects were still apparent in 1916. There was no Progressive ticket in the election;⁴⁷ but a good many Progressives who had not yet come to the point of complete forgiveness, voted for Woodrow Wilson and thus encompassed the defeat of the Republican candidate, Charles Evans Hughes, in a very close election. (4) While the Republican party was formally reunited, the radical element, particularly in the Middle Western states where the Nonpartisan League was active, showed little respect for party discipline and cooperated, in the country and in Congress, with Democrats who responded to the same pressure of sectional interests. Progressivism, in its continuing development, cut across party lines. In 1924 Senator Robert M. La Follette of Wisconsin, one of the earliest Republican Progressives, announced himself as an independent candidate for the presidency and chose Burton K. Wheeler, Democratic senator from Montana, as his running mate.

3. Progressives of 1912

4. La Follette Progressives of 1924

⁴⁶ The popular vote was 4,126,020 for Roosevelt and Johnson (88 electoral votes) and 3,483,922 for Taft and Butler (8 electoral votes).

⁴⁷ Roosevelt declined the Progressive nomination for President and supported Hughes; John M. Parker, who as candidate for Vice-President received about 42,000 votes, seems to have supported Wilson.

Condemning both the major parties as having "fallen under the domination and control of corrupt wealth" and as having failed "to purge themselves of the influences which have caused their administrations repeatedly to betray the American people," he appealed for the support of all Progressives. The ticket was endorsed by two minor parties (Socialist and Farmer-Labor), by numerous trade unions, and by the executive council of the American Federation of Labor. A peculiar feature of the movement was that, while organized, it did not take the form of a party. "If the hour is at hand for the birth of a new political party," said La Follette,⁴⁸ "the American people next November will register their will and their united purposes by a vote of such magnitude that a new political party will be inevitable." The vote of less than 4,700,000 can scarcely be regarded as of that magnitude, for it constituted less than 16 per cent of the aggregate popular vote, as against Roosevelt's 27 per cent in 1912, and yielded only 13 electoral votes as against Roosevelt's 88.⁴⁹

LABOR AND FARMER-LABOR PARTIES

III. Farmer-Labor parties

A third class of minor parties includes those which have appealed particularly to wage-earners and farmers. Labor has shown little disposition to form or support parties that are pre-occupied with its distinctive interests alone. Being well organized in the economic field, it has more to gain by economic than by political pressure; though very strong in certain localities, it could not hope, like the farmers, to dominate politically whole sections of the country. Socialism has attracted a mere fraction of the proletariat. From whichever side, proletarian or agrarian, the impulse to political action has come, the platform of the minor party has almost always sought to harmonize the interests of both elements.⁵⁰ The truth of this observation is demonstrated in the politics of the last seventy years. The collapse of the high prices that had ruled during the Civil War and the prolonged agricultural depression that followed the panic of 1873 brought the

⁴⁸ *La Follette-Wheeler Campaign Text-book*, p. 38.

⁴⁹ La Follette's vote was, however, more than four times the combined vote of the Socialist and Farmer-Labor parties in 1920. In twelve states it exceeded the Democratic vote, and in Wisconsin exceeded the combined vote of the major parties by 74,000.

⁵⁰ The Socialist party, in its efforts to win the farmers, declared in 1920 that the principle of collective ownership would not be applied to land that was used and cultivated by the occupier. Its position remains the same to-day. See *Socialist Handbook* (1937), p. 17.

money question into prominence. The Farmers attributed their misfortunes both to the extortions of the railroads and to the financial policy of the government in contracting the currency and placing the monetary system on a specie basis. With an abundant supply of paper money, they contended, prices would rise and the burden of mortgages and taxes be reduced. Their program of inflation, which neither Republicans nor Democrats would accept, became the animating motive of a succession of minor parties. Already the Labor Reform party of 1872, besides demanding equitable freight rates, a lower tariff, and the free granting of public lands "to landless settlers only," had declared that the government should provide "a purely national circulating medium based on the faith and resources of the nation, issued directly to the people without the intervention of any system of banking corporations, which money shall be a legal tender for the payment of all debts, public and private, and interchangeable, at the option of the holder, for government bonds bearing a rate of interest not to exceed 3.75 per cent, subject to future legislation by Congress."⁵¹ While there were, to be sure, a few planks that touched the interests of the proletariat alone, the Labor Reformers voiced adequately the grievances of the agricultural West. Their place was taken in 1876 by the Independent or Greenback party, which lasted till 1888. Its first platform dealt, very much in the language of the Labor Reformers, with the money question alone. Its candidate, Peter Cooper, received 81,000 votes, mainly in the farming communities of the West. Four years later, when industrial disputes had emphasized the class-consciousness of the wage-earners, the platform was expanded to include such matters as the importation of "Chinese serfs," the sanitary condition of workshops, the eight-hour day for government employees, and child labor; and it further demanded a graduated income tax, the regulation of interstate commerce, and the curbing of gigantic corporations and monopolies. The vote rose to 307,306 in 1880, and declined to 175,370 in 1884.⁵² The Greenbackers apparently passed into the Union Labor party, which polled a vote of 146,897 in 1888. Its platform was more comprehensive and more radical. "General discontent prevails on the part of the wealth-producer," the preamble states. "Farmers are suffering from a poverty which has forced

1. Labor
Reform
party

2. Green-
back party

3. Union
Labor
party

⁵¹ Under this arrangement the supply of paper money would vary with the demand: those finding themselves with more money than their business required would convert the surplus into bonds; and the government would be relieved of the payment of a high rate of interest.

⁵² In 1884 an Anti-Monopoly party endorsed the Greenback ticket.

most of them to mortgage their estates, and the prices of products are so low as to offer no relief except through bankruptcy. Laborers are sinking into greater dependence. Strikes are resorted to without bringing relief . . . , while more and more are driven into the streets." The party advocated not only paper money "loaned to citizens upon land security at a low rate of interest," but also the free coinage of silver, postal savings banks, government ownership of the means of communication and transportation, direct election of senators, and woman suffrage.

4. Populists Agrarian discontent, growing more and more intense in the South as well as the North, had already found expression in the Farmers' Alliances; and these bodies, reinforced by labor organizations, established in 1890 the People's party ("Populists"). The new party, which vigorously attacked special privilege and the money power, made much more rapid progress than its predecessors. Not content with its conquests in the West, it swept across the Mason and Dixon line and penetrated the Solid South. In some states the Democratic organization was captured or else forced to compromise with Populist principles; in others, and especially North Carolina,⁵³ Populists and Republicans, joining forces, threatened Democratic ascendancy and revived the race question in politics. The platform of 1892 condemned the major parties as existing for "power and plunder" and described the existing situation of the country as having "no precedent in the history of the world." It demanded that railroads, telegraphs, and telephones should be owned and operated by the government, that all land held by the railroads and other corporations in excess of their actual needs should be reclaimed by the government and held for actual settlers only, that the amount of paper money should be increased to \$50 per capita, and that there should be free and unlimited coinage of silver and gold at the ratio of 16 to 1.^{53a} James Weaver, the presidential candidate, received 1,027,329 popular and twenty-two electoral votes. He carried four Western states (Colorado, Idaho, Kansas, and Nevada) and in each of two other states received one electoral vote.

Their
decline

It seemed that Populism was in a fair way to absorb the Democratic party in the West and even to take its place in the country at large as the chief rival of the Republican party. Nothing of the kind hap-

⁵³ William A. Mabry, *The Negro in North Carolina Politics* (1940).

^{53a} For supplementary resolutions, expressing the opinion of the party, but not incorporated in the platform, see Stanwood, *History of the Presidency*, Vol. I, pp. 512-513.

pened, for the Democratic convention of 1896 stole the Populist thunder by declaring for free silver and making the money question the paramount issue of the campaign. The Populists endorsed the Democratic nominee, William Jennings Bryan, as they did again in 1900. But that year a "middle-of-the-road" faction, objecting to fusion, named a ticket of its own which received something over 50,000 votes. The platform is interesting because it refers to paper money as "the best currency that can be devised" and to free silver as a mere temporary expedient; because it would extend government ownership to other public utilities besides railroads and telegraphs; and because, with the aim of bringing government nearer to the people, it advocates not only the direct election of the President, federal judges, and the United States senators, but also the initiative, referendum, and recall. The two wings of the party reunited in 1904, polling nearly 115,000 votes. In 1908, the last Populist campaign, the vote fell to 28,134, this being due mainly to the competition of William Randolph Hearst's Independence party which, with a similar but less radical platform, polled 83,562 votes. Populism was first crippled by the defection of many adherents to the Democratic party and then destroyed by the unexampled prosperity which farmers enjoyed during the first two decades of the century. Their interests, like those of the wage-earners, received marked attention in 1912 from the Progressives, who also perpetuated the Populist tradition by insisting upon a currency free from Wall Street influences and upon the rule of the people through direct primaries and direct legislation.

After the war, and with the recurrence of agricultural depression in 1920, the movement once more got under way. The Farmer-Labor party, inspired "by a spontaneous and irresistible impulse to do righteous battle for democracy against its despoilers," drew confidence, as well as some of its ideas, from the British Labor party, which was now meeting with marked success. The platform declared that the power of government had been stolen by the financial barons and that the people had been reduced to economic and industrial servitude. More significant than its elaborate proposals in the interest of farmers and laborers was the declaration in favor of public ownership, which was to be applied not only to railroads, but to mines, stockyards, grain elevators, coal storage, water power, etc.; and in favor of industrial democracy, which would give the employee a share in the management of industry.⁵⁴ This was Socialism without the name. Although Perley P. Christensen, the presidential candidate, received

5. Farmer-Labor party

⁵⁴ Other planks demanded the restoration of civil liberty (free speech, free

only 1 per cent of the total popular vote, circumstances seemed to favor the perpetuation of the party. Agriculture in the wheat-growing regions was still prostrated; powerful elements in the ranks of organized labor, including the railroad brotherhoods, were favorable to independent political action; the Socialists, rent by factional disputes and greatly reduced in numbers, showed a readiness to co-operate; and the major parties did not seem disposed to conciliate radical discontent. But the Farmer-Labor party assumed too extreme a position to attract a large following. This had already been true in 1920 when, for that reason, Senator La Follette had refused to become its candidate.

6. Commu-
nists and
Progress-
sives

In 1924 the Communists—who had organized the Workers' party three years earlier and now saw an opportunity to direct a more impressive class movement—got control. At least they were strong enough in the St. Paul convention (June) to determine the tone of the platform. This baring from within served only to discredit the convention, however. Some three weeks later the presidential and vice-presidential candidates withdrew; and the Workers' party, nominating W. Z. Foster and Benjamin Gitlow, resumed its independent status. Under these circumstances a new movement of protest was launched. The National Conference of Progressive Political Action, which had been formed two years earlier and which represented various organizations (such as trade unions, the Nonpartisan League, the Socialist party, and the moribund Farmer-Labor party), held a convention in Cleveland in July. It formed no new party, but endorsed Senator La Follette as an independent candidate and accepted a platform of his own making. La Follette recommended tax-reduction through the curtailment of expenditures on armaments and through the recovery of the vast sums stolen from the Treasury by fraudulent war contracts and corrupt leases of public lands; public ownership of the railroads under safeguards against bureaucratic control; abolition of the judicial veto by permitting Congress to reenact statutes declared unconstitutional; election of federal judges for terms not to exceed ten years; direct nomination and election of the President; extension of the initiative and referendum to the federal government; and the decision between war and peace by referendum except in case of actual invasion. The result of La Follette's campaign has already

La Follette
Progress-
sives of
1924

press, etc.); election of federal judges for four-year terms, subject to the recall; and abolition of the judicial power to declare statutes unconstitutional.

been indicated. A revival of the Farmer-Labor party brought meager results, the vote being 6,390 in 1928 and 7,309 in 1932. But in 1936 the Union party (with a farmer-labor program) expected such large support from the followers of Coughlin (Union for Social Justice), Townsend (pension plan), and Gerald Smith (share-the-wealth movement) that Roosevelt might be defeated by Landon or the election thrown into the House of Representatives. Lemke of North Dakota, once high in the councils of the Nonpartisan League, ran for President; O'Brien, a Boston labor leader, for Vice-President. The ticket received only 882,479 votes.

Prospects for the founding of a formidable farmer-labor party and of seemed better in 1938 than previously. Hopeful beginnings had been 1938 made with the local Farmer-Labor party, which still controlled Minnesota; the Farmer-Labor Progressive Federation of Wisconsin; the American Labor Party of New York, which had developed surprising strength in the two previous years. Socialists and Communists, as we have seen, had pledged themselves to promote this cause. On the one side, the mortgage debts and tenancy among the farmers and, on the other, the radicalism and unrest among the working class facilitated an alliance. In April Philip La Follette, serving his third term as governor of Wisconsin, announced the foundation of a new party—the National Progressives of America. "Make no mistake," he said,⁵⁵ "this is not a third party. As certain as the sun rises, we are launching the party of our times." He listed six tenets: (1) public ownership and management of credit; (2) restoration of the right of everyone to earn an honest living; (3) reorganization of executive government "to get things done" without dictatorial power; (4) security for farmers and workers; (5) an end to "coddling or spoonfeeding the American people"; (6) belief in the sacred destiny of the Western Hemisphere as a place "where man should work out the final act in the great drama of life."

This grandiose project died in embryo. The immediate response to Governor La Follette's announcement was disappointing. No offers of support came from the Labor party of New York or from the Farmer-Labor party of Minnesota. John L. Lewis of the C.I.O. remained silent. Mayor La Guardia of New York intimated that the time was not ripe for such a step. In May the Communist Convention repudiated La Follette. The Socialists attacked him in a pamphlet: "Phil La Follette's manner in launching his new party is not in the

⁵⁵ *New York Times*, April 29, 1938.

American tradition. His program—such as he now deigns to reveal—is a shocking disappointment. Let this be well understood: It offers the workers and farmers no more than the Republicans, less than the New Deal, nothing that would help them win the economic security that is their right.”

WHAT DISSENT ACCOMPLISHES

Importance
of minor
parties:

(1) Voting
strength

A review of the history of minor parties emphasizes the predominance of the major parties in our politics. Only three times before the Civil War and three times after it have minor parties polled as much as 10 per cent of the popular vote,⁵⁶ or received any electoral votes whatever.⁵⁷ Their importance depends, however, not so much upon the size of the popular vote as upon its distribution. When the vote is drawn chiefly from one of the major parties and concentrated in certain states, it may disturb that party's combination of sectional interests and even affect the result of a presidential election. Thus Polk won New York and the presidency in 1844 because the insignificant Liberty party drew votes from Henry Clay; and Taylor likewise in 1848 because the Free Soil party drew votes from Lewis Cass. It is possible that Cleveland won New York and the presidency in 1884 because the Prohibition party drew votes from James G. Blaine.⁵⁸ The Democratic cleavage of 1860 had no effect upon the election; Lincoln would have won against the combined strength of his three opponents. But the Republican cleavage of 1912 brought Woodrow Wilson to the White House; and the support of the Progressives who

⁵⁶ Free Soil (1848), 10 per cent; American (1856), 22 per cent; Constitutional Union, 10 per cent, and Breckenridge Democrats, 18 per cent (both in 1860); Populists (1892), 9 per cent; Progressives (1912), 27 per cent; La Follette (1924), 15 per cent.

⁵⁷ Anti-Masons (1832), seven votes; American (1856), eight votes; Constitutional Union, thirty-nine, and Breckenridge Democrats, seventy-two (both in 1860); Populists (1892), twenty-two; Progressives (1912), eighty-eight; and La Follette (1924), thirteen.

⁵⁸ Cleveland had a plurality of 1,149 in a total vote of 1,200,000. Stanwood (*op. cit.*, Vol. I, p. 449) attributes Blaine's misfortune "almost without a doubt" to Burchard's "Rum, Romanism, and Rebellion" speech, which alienated the Irish Catholics. But "Mugwump" or independent Republican support of Cleveland was another element in the situation. Finally, the Republican party in New York was split by a factional fight between the "Half-Breeds" and Conkling's "Stalwarts"; Conkling refused to make even one speech in favor of Blaine, remarking that he was not engaged in criminal practice. It was not the Prohibition party alone, therefore, that complicated the situation.

had not yet returned to their old allegiance probably kept him there in 1916.⁵⁹ In 1892, as again in 1924, many believed that the contest would be very close and that the "third party" might make such inroads upon Republican strength as to throw the election into the House of Representatives. The Democrats, looking favorably upon such an outcome in 1892, fused with the Populists in five Western states; and in 1924, while there was no such formal arrangement, Western Democrats supported the La Follette ticket for the same reason. Yet in neither case did the third party prove a decisive factor.

It is often said that the true function of minor parties is to bring forward new policies. "If the new policies prove popular," observes Professor Holcombe,⁶⁰ "they will eventually be taken up by one or both of the existing major parties, or a realignment of the major parties will ensue. There are convincing illustrations of each of these effects." He instances the realignment of parties that followed the failure of the major parties to accept the Free Soil position on slavery; the adoption of the Populist inflation policy by the Democrats; the enactment of national prohibition by consent of both parties. But this point may easily be overemphasized. The policy of opposition to the extension of slavery made no very obvious progress while the Free Soil party lasted.⁶¹ It was the Kansas-Nebraska act and not the Free Soilers that brought the Republican party into existence. Likewise it was the Anti-Saloon League and not the Prohibition party that mobilized public opinion in favor of the Eighteenth Amendment. That the minor parties have promoted many policies—such as interstate-commerce regulation, Chinese exclusion, postal savings banks, the federal income tax, the direct election of senators, woman suffrage—which have subsequently been enacted into law cannot be taken to imply that their influence was decisive or even that it had any appreciable effect. Organized nonparty groups have usually been a more potent force. Nevertheless, minor parties have at certain junctures profoundly stirred opinion and illuminated the murky atmosphere of politics with a flash of idealism. The Populists, animated by a high purpose of restoring government to the people, brushed aside the artificial issues that politicians had kept alive since the war and at-

(2) Plat-
forms

⁵⁹ The electoral vote was: Wilson, 277; Hughes, 254. The latter would have won with the thirteen votes of California, which he lost by 3,800 votes out of a million.

⁶⁰ *The Political Parties of To-day*, p. 342.

⁶¹ While the Free Soil party polled 10 per cent of the popular vote in 1848, the percentage fell to five in 1852.

tempted to propound the real issues that had come in the train of the industrial revolution; and the Democratic party was thereby driven into a new course. The Progressives, singing "Onward Christian Soldiers" at their convention of 1912, dedicated themselves to a crusade against social injustice; and their revolt, momentarily at least, softened the hearts of the Pharaohs in the Republican party. No one will dispute the potential usefulness of minor parties. They are in a position to think more of principles than of power. Through them sectional interests that cannot be reconciled with the existing combination of interests in the major parties may find expression politically.

Are minor
parties
handi-
capped?

The minor parties make loud complaint over the obstacles that prevent their getting a place on the ballot. Socialists and Prohibitionists, contending that the major parties enjoy a virtual monopoly in many states, have pressed vigorously of late for appropriate changes in the election laws. They have some grounds for dissatisfaction. To get the party ticket before the voters it is sufficient in Washington for 25 voters to hold a convention, in Arkansas and Mississippi for 50 to sign a petition, and in South Carolina for the party to print and distribute ballots. But the petition must be signed by 5,000 voters in Oklahoma, by 10,000 in North Carolina, and by a number equal to 15 per cent of the vote for governor in populous Ohio. Perhaps it is not a mere persecution complex that suggests a conspiracy of Democrats and Republicans. Yet, in the main, the sense of grievance has no solid foundation. In 1940 the Communists got on the ballot in 37 states; the Socialists, in 29; and the Prohibitionists, in 27. In two states only—Ohio and West Virginia—did all three fail; and in the latter state the Communist petition was thrown out because of fraudulent signatures. Even for "splinter parties" Ohio alone seems to present insuperable difficulties. Devotion to a cause sometimes impairs perspective. Enthusiasts fail to see that, from the public standpoint, it may be desirable to keep the ballot from being encumbered and that very few voters think otherwise. The "splinter parties" suffer from anemia rather than from the malignant designs of the major parties.

Of a different order are the obstacles which now confront the Communist party. There is an increasing tendency to bar from the ballot parties of a subversive character. In 1941 at least nine states (Arkansas, Illinois, Indiana, Kansas, Ohio, Pennsylvania, Texas, Wisconsin, Wyoming) amended their election laws for that purpose. California (1940) has excluded from taking part in primaries any party which uses "communist" in its name, or which has affiliated with the Communist party, the Third International, or any other foreign agency; or which sanctions sabotage, violence, sedition, or treason.

Part III

PARTY ORGANIZATION

Chapter XII

DEVELOPMENT OF ORGANIZATION: CAUCUS AND CONVENTION

"Organization," Bryce observes in his *Modern Democracies*,¹ "is essential for the accomplishment of any purpose, and organization means that each must have his special function or duty, and that all who discharge their several functions must be so guided as to work together. . . . To attempt to govern a country by the votes of the masses left without control would be like attempting to manage a railroad by the votes of uninformed shareholders, or to lay the course of a sailing ship by the votes of the passengers. In a large country especially, the great and increasing complexity of government makes division, subordination, co-ordination, and the concentration of directing power more essential to efficiency than ever before." Political parties seek to mobilize and regiment the vast electorate; they must therefore have their cadres, their hierarchies of commissioned and non-commissioned officers. By a common impulse, whether in England or France or America, they have been forced to devise methods of discipline and set up machinery appropriate to their tasks. Indeed, Americans have displayed in politics, as in business or athletics, a peculiar genius, perhaps an excessive genius, for organization. They have given a logical completeness to their partisan machinery. The somewhat informal conduct of party affairs that marked the period of the Virginia dynasty has given place to an impressive elaboration, with more or less fixed methods and standardized types.

American
parties
highly
organized

The evolution of this machinery forms, as Professor Beard has remarked, one of the most interesting studies in all the history of political institutions. Party activities had, even in their earlier stages of development, essentially a public character, because they were directed toward the control of the personnel and policy of the government. These activities began with the nomination of candidates for public office; they continued with systematic efforts to secure the success of those candidates at the polls; and they culminated in a demonstra-

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¹ (2 vols., 1921), Vol. II, pp. 546-547.

tion of party force within the organs of government. With the function of government they had an obvious and intimate relationship. Till late in the nineteenth century, nevertheless, parties were viewed in much the same light as other forms of voluntary private association. They were left outside the domain of law. In time they developed a remarkable power—paralleling the structure of government, entrenching themselves in each political unit from election precinct to nation, seizing upon the legal institutions and determining their tone and tendency. This power, as already pointed out, was abused. Although party organization rested ostensibly upon the will of the rank and file, irresponsible and often corrupt oligarchies established themselves in control; and, when the mass of citizens had been roused to a clear understanding of the situation, since the abuses were flagrant, reform took a correspondingly drastic shape. A movement began which in the end, though less completely in the South than in other sections of the country, subjected party practice to legal regulation. To-day, therefore, we must look in large measure to the statute law of the states for a description of the framework of the party machine.

But a knowledge of its historical development useful

The present is seen imperfectly, however, without the light shed upon it by the past; political phenomena as they now stand would be thrown out of perspective if viewed apart from their biological antecedents; and for that reason it is advisable to approach the contemporary arrangements of party organization with some knowledge of the long evolution that lies behind them. One aspect of that evolution, and a very important one, lies outside the scope of the present volume and will not be dealt with at all—party leadership and discipline in legislative bodies. Here attention is directed to the conduct of party affairs relating to nominations and elections.

THE ERA OF THE CAUCUS

Patriotic clubs before the Revolution

Before the advent of democracy there was no highly specialized party organization. The need for it did not exist. Under normal circumstances direction lay in the hands of men whose social position and character gave them a natural ascendancy in a period of restricted voting privileges. But, when momentous issues divided the electorate and political passion ran high, the impulse towards concerted action expressed itself in more effective methods of coöperation. Some years before the Revolution, as the conflict over colonial policy grew more acute, party organization developed. The patriots

or Whigs, in combating the Tory supporters of the royal governor, naturally endeavored to lay hold of all elective offices; and, since the first requisite was a concentration of voting strength, the patriotic clubs assumed the function of deciding, in advance of the election, who the candidates should be.² The most famous of these clubs was the North End Caucus of Boston. It was under the influence of Samuel Adams, a prominent member of the Caucus, that, late in 1772, the Boston townmeeting elected a committee of correspondence. This committee became the prototype of similar bodies that spread through the colonies with astonishing rapidity and gave the patriotic party a formidable organization.

The committees of correspondence not only looked after the local party interests and maintained a vigorous propaganda through newspapers and pamphlets, but also, as the name implies, kept in communication with each other, coördinating the party effort by exchange of views and information. Organization became colony-wide. In New Jersey unity of purpose was secured by erecting a hierarchy of committees for townships, counties, and province, as well articulated as the system of committees and delegate conventions that was perfected by Whigs and Democrats three-quarters of a century later. Generally the colonies followed the example of Virginia, where the legislature appointed a committee to observe the course of English colonial policy and correspond with the sister colonies. In the course of the year 1773 the party had established an effective organization in practically all of the thirteen colonies. There was, says Tyler,³ "a well-constructed and powerful machine set up in each colony, in each county, in each town, and operated with as much skill and will and unscrupulousness as go into the operation of such machines in our own time." But, to express common aims and secure common action, a central authority was still needed. First the Sons of Liberty in New York, then the legislature of Massachusetts recommended action for which the situation was now ripe. In all the colonies but Georgia delegates were elected to attend a Continental Congress. That Congress, which met in September, 1774, may be regarded as the national convention of the patriotic party; and, carrying out the analogy to present-day politics, the Declaration of Independence constituted the party platform.⁴

Committees of correspondence

²F. W. Dallinger, *Nominations for Elective Office in the United States* (1897), pp. 7 *et seq.*

³M. C. Tyler, "Party of the Loyalists," *American Historical Review*, Vol. I (1901), p. 28.

⁴"It was a statement of general principles. Its sponsors did not at the time

Leadership
of the rich
and well-
born

The committees of correspondence, brought into being at a time when opinion was sharply divided and political feeling ran high, disappeared shortly after the outbreak of war. The Continental Congress became the national government; state constitutions were framed; and, now that the patriots controlled the organs of government, partisan rivalry gave place to armed conflict. For two decades or more no party organization existed. There were no parties. It was only in the closing years of the century that the cleavage between Federalists and Republicans, which first manifested itself in Congress, took definite shape among the voters of the country.⁵ In the meantime candidates were self-announced or, more usually, brought forward by a group of influential persons after some sort of "parlor caucus"; and, even when mass-meetings were called for the purpose of making local nominations, they, like the Frankish warriors of Charlemagne, probably did no more than ratify the proposals that were laid before them. The voters, themselves a very limited body according to our present democratic notions, accepted as a matter of course the leadership assumed by men of wealth and social prominence, the landed proprietors and members of the learned professions. The Livingstons and Clintons and Schuylers governed New York, as the wealthy planters governed Virginia; and John Adams declared that a few rich merchants could carry any election in Massachusetts.⁶ When President Washington, in 1794, denounced the short-lived Democratic Societies, which recalled the committees of correspondence by reason of their spontaneous rise as an expression of popular partisanship,⁷ his use of the term "self-created" in describing them had a fundamental significance. It implied that the political initiative belonged rightly to the best men, the natural

conceive of it as a description of the reality of their situation; it has been in subsequent days that this document has been made to fit a rôle for which it was not intended. The difficulties which have attended attempts to realize some of its pronouncements remind one of the difficulties that frequently attend the transference of campaign pledges into statute law." Edgar E. Robinson, *The Evolution of American Political Parties* (1924), p. 37.

⁵ "It is not until the election of 1800 that an alignment of parties among the voters, as among the leaders, became distinct. . . . There were in the twelve years of Federalist government no popular political parties." *Ibid.*, p. 69. This is, however, an overstatement. There most certainly was a "popular" Republican party at least four years earlier.

⁶ Henry Jones Ford, *The Rise and Growth of American Politics*, p. 10.

⁷ The Democratic Societies (1793-1794) shared Jefferson's faith in the French Revolution and attacked Washington's foreign policy with great violence. They struck at the existing political order at home by contending for a wider suffrage.

leaders, in particular those who had been elevated to offices of trust.⁸ The rich and the well-born looked upon politics as their exclusive preserve; and, when formal machinery for the making of nominations was devised, it took color from the circumstances of the time.

The new machinery bore the name of caucus, a name commonly applied in New England to party meetings which discussed tactics and selected candidates.⁹ Its appearance marks the growth of party divisions in the electorate and a recognition of the consequent importance of a preliminary agreement as to candidates. For the outstanding office of governor the nominations must proceed from some central body which possessed the confidence of the voters. The difficulties attending travel at this period discouraged the idea of a special meeting of leaders from different sections of the state. It seemed appropriate that the party members of the legislature, drawn as they were from the dominant political class and already invested with a representative character, should undertake this extra-legal function. The legislative caucus, as the meeting of legislators belonging to each party was called, became a recognized institution in most of the states before the close of the eighteenth century.¹⁰ The caucus selected the candidates for the offices of governor and lieutenant-governor (presidential electors also, unless these were chosen by districts), communicated its choice to the voters in a proclamation which the individ-

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⁸ In this sense note the language of the *Rutland Herald* (Oct. 17, 1796): "If a man of New York, Philadelphia, or Paris thinks anything wrong in the government, he either calls a promiscuous mob of people to decide on it by passing resolutions without debate or else he sets about opposing government by secret intrigues, clubs, and cabal. If the Eastern people think anything wrong, they consult their magistrates and old wise men." Quoted by George D. Luetscher, *Early Political Machinery in the United States* (1903), p. 69.

⁹ For the derivation of the word "caucus" see M. Ostrogorski, *Democracy and the Organization of Political Parties* (2 vols., 1902), Vol. I, p. 120; and Dallinger, *op. cit.*, note, pp. 7-8. Dallinger observes that "in this country the word, at least in the legislative sense, is in common use everywhere, but as applied to primary meetings of the party voters its use is confined chiefly to New England and those parts of the West dominated by New England influence; elsewhere the institution of the caucus is commonly known by the terms 'primary' or 'primary election.'" In English usage "caucus" refers to the extra-parliamentary organization of parties which made its appearance after the extension of the suffrage in 1867.

¹⁰ Ostrogorski, *op. cit.*, Vol. II, pp. 10-11. In some states the legislative caucus did not appear till the early years of the nineteenth century (Connecticut, New Hampshire, North Carolina); in Delaware and New Jersey it never gained a foothold. Luetscher, *op. cit.*, p. 107.

and con-
gressional
caucus

ual members signed, and made use of corresponding committees to ensure the success of the ticket. In the national field a similar solution was found. There, because of the peculiar method which the constitution prescribed for the election of the President and Vice-President and because of the possible inclination of the electors in each state to prefer politicians from their own section of the country, the parties were faced with a serious danger of scattered voting. As the time for Washington's retirement approached, Federalists and Republicans prepared for a contest. In 1796 there seems to have been some previous understanding within each party, perhaps through the medium of a caucus.¹¹ Certainly in 1800 the Federalist members of House and Senate met in profound secrecy and agreed upon a ticket; and the Republicans, having learned of the meeting and denounced it, themselves held a caucus to select Jefferson's running mate.

During the next quarter of a century the Republicans continued to use the congressional caucus, though without the earlier element of secrecy.¹² The Federalists, after the shattering defeat of 1800, abandoned it and left the selection of tickets in the next three elections to meetings of party leaders.¹³ The Republican caucus was careful to disclaim any official authority. It declared in 1808, and made a similar declaration on each subsequent occasion, "that, in making the foregoing recommendation, the members of this meeting have acted only in their individual character as citizens; that they have been induced to adopt this measure from the necessity of the case; from a deep conviction of the importance of union to Republicans in all parts of the United States . . . ; and as being the most practicable mode of consulting and respecting the interests and wishes of all. . . ." Whatever force the caucus wielded sprang, not from any formal investiture by the voters of the party, but from the character of the men who composed it. "They represented in the capital of the Union," Ostrogorski says,¹⁴ "the same social and political element, and in a still higher degree, which the members of the legislative caucus represented in the

¹¹ Dallinger, *op. cit.*, pp. 13-14; Edward Stanwood, *A History of the Presidency* (2 vols., 1916), Vol. I, p. 44.

¹² No caucus was held in 1820. In 1812, by way of promoting the success of the ticket, the caucus appointed a corresponding committee upon which each state had representation. Ostrogorski, *op. cit.*, Vol. II, p. 15.

¹³ Eight states were represented in the meeting of 1808 (Robinson, *op. cit.*, p. 84) and eleven in 1812 (Stanwood, *op. cit.*, Vol. I, p. 101). As to 1812 see J. S. Murdock, "The First National Nominating Convention," *American Historical Review*, Vol. I (1901), p. 680.

¹⁴ *Op. cit.*, Vol. II, pp. 17-18.

States, that is, the leadership of the natural chiefs, whose authority was still admitted and tacitly acknowledged. . . . [The people] still took its orders from the men who impressed it by their superiority and who naturally formed a somewhat exclusive and intimate circle." The same condition existed in English politics till near the close of the last century.

The caucus, legislative and congressional, possessed solid merits and was, from almost every standpoint, superior to the delegate convention that superseded it.¹⁵ Its members, familiar with the business of government, were much better equipped than the voters to appreciate the qualifications that high executive office demanded; they had, as a senator contended in 1824,¹⁶ "better opportunities of knowing the character and talents of the several candidates than those who have never seen them and acted with them"; and, holding public office, they could not, like delegates to a party convention that dissolves as soon as its work is accomplished, escape responsibility for their decision. In this and other respects the caucus was, as Calhoun admitted twenty years after he had borne a hand in overthrowing it, "all that could be desired for a nominating body." Not least among the advantages of the system was its tendency to confine the nominations to men of ripe political experience and of known opinion on public questions, men, furthermore, whose acquaintance with the temper and methods of the legislature would encourage harmonious relations between the two coördinate branches of the government.

Merits of
the caucus

THE CONVENTION SYSTEM

But, even while the caucus flourished, the instrument that eventually supplanted it was being forged in the Middle states. This was the

¹⁵ In 1844 Calhoun wrote (*Works*, Vol. VI, p. 249): "Objectable as I think a congressional caucus for nominating a President, it is in my opinion far less so than a convention constituted as is proposed. The former had indeed many things to recommend it. Its members . . . were the immediate organs of the State Legislatures or the people; were responsible to them, respectively, and were for the most part of high character, standing, or talents. They voted *per capita*; and, what is very important, they represented fairly the relative strength of the party in their respective states. In all these important particulars it was all that could be desired of a nominating body. . . . I, acting with General Jackson and most of the leaders of the party at that time, contributed to put it down, because we believed it to be liable to be acted upon and influenced by the patronage of the government—an objection far more applicable to a convention. . . ."

¹⁶ Quoted by Ostrogorski, Vol. II, p. 33.

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delegate convention. It began to take shape, in the opening years of the nineteenth century, for the purposes of county nominations (delegates being elected in the party primaries of each township). The development occurred mainly in the Middle states, not only because there the county was the unit of legislative elections¹⁷ and the parties came into sharp conflict, but also because in the South the township-county system—so favorable to the new machinery—did not exist and because in New England the county had no specific electoral function outside of Massachusetts. The new principle, once firmly established in the counties, spread to larger areas. In New Jersey and Delaware, where the legislative caucus had never been introduced, the state convention appeared much earlier than in other states, by 1804 in New Jersey and perhaps at about the same time in Delaware. It was the Republicans who fathered the new scheme of party organization. Seeing the advantage which their opponents drew from the possession of office and patronage as well as from the control of the chief newspapers of the country, they found an offset to this preponderance by regimenting the voters and advancing to the attack in mass formation. The Federalists still relied upon the guidance of the rich and the well-born; they condemned the new electoral tactics. "Combinations of men for several years past have governed the elections in New Jersey," a party organ observed in 1806.¹⁸ "They have organized bodies in different counties, have constitutions, and meet at appointed times fixed by themselves, and vote for people to be put in nomination, as if they, and they alone, had the right of deciding who should and who should not be voted for by the people. . . . It is time to discountenance such proceedings." The only state convention that the Federalists held in New Jersey met in 1814, not to make nominations, but to devise means "to rid us of this unnecessary and ruinous war." In Delaware, on the other hand, where the parties were of nearly equal strength, the Federalist organization duplicated that of the Republicans; and it is highly significant that in that state alone the party lines were kept intact until the rise of the National Republicans.¹⁹ The collapse of the party out-

¹⁷ For both houses in New Jersey and Delaware. Moreover, county officers were chosen by the people except in New York where, perhaps for that reason, county conventions were of rare occurrence in the first decade of the nineteenth century. Luetscher, *op. cit.*, p. 4.

¹⁸ *Ibid.*, p. 142.

¹⁹ *Ibid.*, p. 150. The *Delaware Gazette* of August 25, 1823, said: "As ours is the only state in which a contest can now be made on the old party grounds, we may be expected to be viewed with intense interest by the citizens in other states."

side of Delaware has been attributed in part to its disinclination or inability to organize the electorate. Hamilton, after the defeat of 1800, wondered "whether it be possible for us to succeed without in some degree employing the weapons which have been employed against us." He proceeded to formulate a plan of councils and societies, clubs and academies (with professors to instruct artisans in the principles of mechanics and the elements of chemistry), but a plan so fantastic that its failure to evoke enthusiasm among aristocratic leaders, who looked askance at popular organization of any kind, need occasion no surprise.

The course of events justified Hamilton's forebodings, however. The democratic ferment of the 'twenties—expressed not only in the region of ideas, but also in the abolition of suffrage tests and in the collapse of aristocratic leadership, gave a vigorous impulse to organization. The Middle states had already provided a model in their county nominating machinery. The new race of politicians that appeared on the crest of the rising democratic tide, the dexterous managers of local politics, pressed forward to attack the legislative caucus, which still bore an aristocratic taint and which they could not easily control. They condemned it not only as aristocratic, but as corrupted by the fraud and chicanery of the interests that sought to manipulate it. In some states the caucus was first "diluted." The fact that, though speaking for the whole party, the caucus left without representation the districts in which the opposite party predominated gave offence to sensitive democratic minds; and so the "mixed caucus" appeared, delegates being elected *ad hoc* to fill the gaps. This occurred as early as 1807 in Rhode Island and 1808 in Pennsylvania. "Mixed conventions" sometimes marked a further stage in the gradual transition; in this case—Pennsylvania affords an example in 1817—members of the legislature were permitted to act only in the absence of special delegates from their districts. The "pure" state convention, though long familiar in New Jersey and Delaware, was not permanently established till 1824 in New York, Pennsylvania, and Rhode Island; 1829 in Vermont; and 1832 in Massachusetts and New Hampshire. During the time of Jackson's first administration the convention system had made little headway in the states of the frontier West and still less in the states of the South.²⁰ The social and economic conditions of the

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²⁰ Ostrogorski, Vol. II, pp. 53-54 and 115. In Illinois, for instance, the Democrats adopted the convention in a gradual fashion after 1832; and the Whigs, following suit in 1843, felt it necessary to issue a manifesto justifying the departure in practice.

South, where a few thousand rich plantation-owners, drawing the smaller planters and professional men into their orbit, monopolized power, did not encourage party discipline. "The need, therefore, of a party election machinery," says Ostrogorski,²¹ "did not make itself felt here to the same extent as in the North and West, and the convention system did not acquire the same importance in the South. There was little of the same formal regularity in it, the lower grades of local conventions, those of counties and of districts, hardly existed at all in practice; . . . the State conventions (when they finally appeared) were more gatherings of leading men, who were brilliant speakers as well, than the product of successive delegations formed according to rule." It was only in the border states of Kentucky and Tennessee that organization reached a full development.

Conditions
also favor
national
organiza-
tion

The delegate convention, regarded as an instrument of democratic control, displaced not only the legislative caucus, but the congressional caucus as well; and the meaning of this momentous change cannot be grasped without some consideration of the underlying causes. During the first quarter of the nineteenth century political conditions had been transformed. That period brought a vast increase in territory, the Louisiana purchase having carried the frontier to the Rockies; a vast increase in population, which more than doubled itself; and a vast increase in the electorate, as new states entered the Union with manhood suffrage and old states, one after the other, abolished property qualifications. In the absence of railroads the means of communication between the different sections of this great empire were crude and expensive; newspapers had little circulation beyond the immediate neighborhood; and, consequently, national opinion was slow in forming. Sectionalism, which found in such circumstances a soil favorable to its growth, received a further impulse as the enfranchised masses chose leaders of their own and thrust aside the compact class that had hitherto directed national politics. Confusion reigned for the moment. But in the course of a few years the country was delivered from the menace of political chaos by the rise of national parties and by the development of party machinery which laid the greatest emphasis upon national unity. The very size of the country and of the electorate required a solution of this kind. It was the improved means of communication—the steamboats, commonly employed upon the rivers and along the coast by 1820, and the railroads, already under construction ten years later—that made possible the firm establishment of national party organization.

²¹ *Op. cit.*, Vol. II, p. 118.

Collapse of
congress-
sional
caucus

The way was cleared for it by the overthrow of the congressional caucus. Criticism of the caucus, which had been heard from the very beginning and which gradually accumulated force, reached a climax before the election of 1824. Andrew Jackson of Tennessee, a fairly typical representative of clamorous young democracy, stood out as the leader, one might say, of the insurgent left wing of the Democratic-Republican party. The shrewd politicians who had identified themselves with his fortunes proceeded to undermine the prestige of the caucus, which the Old Guard of that day dominated, and to destroy its power. As early as 1822 the legislative caucus of Tennessee nominated Jackson for the presidency; and the legislature itself adopted resolutions vehemently condemning the congressional caucus. All over the country popular meetings swelled the volume of disapproval. "The time has now arrived," the citizens of an Ohio county proclaimed,²² "when the machinations of the *few* to dictate to the *many*, however indirectly applied, will be met with becoming firmness by a people jealous of their rights. . . . The only unexceptional source from which nominations can proceed is the people themselves. To them belongs the right of choosing; and they alone can with propriety take any previous steps." When the congressional caucus met, less than a third of those entitled to take part put in an appearance. Under such circumstances the nomination of William H. Crawford, weakest of the four aspirants to the presidential office, provoked only ridicule or indignation. A month later, during a prolonged and acrimonious debate in the Senate, it became manifest that the caucus had breathed its last. "King Caucus" was dead. What was to be substituted? No one dreamed of leaving the electoral college, as the Constitution intended, free and untrammelled in its choice. For the moment legislatures and legislative caucuses, conventions and mass-meetings promoted the cause of one or another candidate. These irregular proceedings recurred in 1828, with state conventions playing a rather more prominent rôle. But before the next presidential campaign the interregnum was brought to an end. The national convention, tentatively at least, had seized upon the succession.

National
convention
established

By this time a new party alignment was taking shape in the country. The National Republicans, soon to be merged in the Whig party, confronted the Democrats in a struggle for control of the government at Washington; and these national parties, looking to concerted and disciplined action, required some sort of national machinery. The chaotic methods employed for the nominations of 1824 and 1828, if

²² Ostrogorski, Vol. II, note, p. 29.

appropriate to a period of mere personal and factional rivalry, could not meet the needs of parties that sought to consolidate the diverse sectional interests of a great territory and population. Even before the débâcle of 1824 it had been proposed, on more than one occasion, to substitute a delegate convention for the congressional caucus. The appearance of the state convention, first in Delaware and New Jersey, then, after a long interval, in New York, Pennsylvania, and other states, gave strength to this idea and recommended it to the political opposition in their assault upon the entrenched Democrats. In 1831 the Anti-Masonic party held a convention at Baltimore, which nominated national candidates and issued an address to the people. Three months later the National Republicans followed suit, meeting in the same city on the call of the Maryland legislative caucus. The methods of procedure, borrowed from state conventions, closely resembled those with which we are familiar to-day. Committees were appointed to examine the credentials of delegates, nominate the permanent officers of the convention, draft an address to the people, and notify the presidential and vice-presidential candidates. The national committee, which nowadays directs the campaign, issues the call for the next convention, makes up the temporary roll of delegates, and generally conducts the affairs of the party, did not, however, originate at this time. It dates from 1848.²³ For the purposes of the campaign the convention appointed a central corresponding committee in each state (if one did not already exist) and recommended that subordinate committees should be organized in each county and town. The party platform—such a term could scarcely be applied to the diffuse “address to the people” which denounced the abuses of Jackson’s administration—was formulated by a “convention of young men” held at Washington in May, 1832.²⁴ In the same month the Democrats met at Baltimore. This convention was called by the Democratic legislative caucus of New Hampshire, but through the clever manipulation of Jackson’s “kitchen cabinet” and with the object of securing the vice-presidency for Van Buren.²⁵

²³ In that year the Democratic convention at Baltimore appointed one member from each state to take charge of the campaign. Stanwood, *A History of the Presidency*, Vol. I, p. 232.

²⁴ This was the first national party platform. In 1840 the Democrats issued a platform; in 1844 both Whigs and Democrats. From that time there has been no interruption in the practice. But the Whig “platform” of 1848 scarcely deserves the name.

²⁵ Van Buren was the candidate of Jackson rather than of the party. The movement in his favor is described by Ostrogorski (Vol. II, p. 63) as “the

Its advantages

The manifest advantages of such a national party assembly were stated by the chairman of the Democratic convention in his opening address. "The object of the representatives of the people of New Hampshire, who called this convention," he said, "was, not to impose on the people, as candidates for either of the two first offices in this government, any local favorite; but to concentrate the opinions of all the states. They believed that the great body of the people, having but one common interest, can and will unite in the support of important principles; that the operation of the machinery of government confined within its legitimate sphere is the same in the north, south, east and west; that although designing men, ever since the adoption of the constitution, have never ceased in their exertions to excite sectional feeling, and to array one portion of the country against another, the great and essential interests of all are the same. They believed that the coming together of the representatives of the people from the extremity of the union would have a tendency to soothe, if not to unite the jarring interests, which sometimes come into conflict, from the different sections of the country. . . . They believed that the example of this convention would operate favorably in future elections; that the people would be disposed, after seeing the good effects of this convention in conciliating the different and distant sections of the country, to continue this mode of nomination."

Disproportionate state representation at first

Without adequate railway communications "the coming together of representatives of the people from the extremity of the union" involved some difficulty. Shortly before the collapse of the congressional caucus a political meeting in Lancaster county, Pennsylvania, declared that, while the holding of a national convention would be the "best and most unexceptional method," this was "entirely impracticable from the immense extent of our country, and from the great expense incident to an attendance from the extreme parts of the United States." ²⁸ In the case of all three conventions of 1831-1832 the states were invited to send delegates equal in numbers to the presidential electors of the state. Only ten of the twenty-four states responded to the Anti-Masonic call, and these fell below their full quota of delegates by 30 per cent. One hundred and fifty-six delegates, representing eighteen states and the District of Columbia, sat in the National Republican convention. The sole delegate appointed in Illinois

first example of great manifestations of opinion, apparently spontaneous, but in reality produced by a machinery with popular forms which screened the doings of the wire-pullers."

²⁸ Stanwood, Vol. I, *op. cit.*, p. 130.

did not attend. "The states were very unequally represented," says Ostrogorski;²⁷ "thus Tennessee had only one delegate, Louisiana and Indiana two, while the District of Columbia, adjoining Baltimore, had five. Evidently in the remote states there were not, owing to the difficulties of travelling, enough persons ready to accept the mission; for the same reason sixty-five delegates did not answer the roll-call, twelve of whom, however, arrived before the close of the convention." As to the Democrats, being established in power, they made a better showing; every state but Missouri was represented—some of them, in fact, very much overrepresented, since there were 326 delegates instead of the 282 to which the states were entitled. Four years later the same irregularity prevailed. The Whigs, planning to run local favorites and so keep their opponents from getting a majority of the electoral vote, held no convention; various candidates were put forward by state conventions and legislative caucuses. The Democratic convention at Baltimore was attended by 626 delegates, of whom more than two-thirds came from Maryland, Virginia, New Jersey, and Pennsylvania. This preponderance of the near-by communities was neutralized, however, by the rule that each delegation, irrespective of its size, was to cast the number of votes to which its state was entitled in the electoral college. Thus the fifteen votes of Tennessee were cast by Edward Rucker who "happened to be in Baltimore at the time."²⁸

Anomalies
corrected
by middle
of century

While the national convention was firmly established in 1840 and used by all parties from that time, its composition long remained irregular. There was no fixed principle of representation. Although each state cast in the convention the number of votes to which it was entitled in the electoral college, the size of its delegation was not determined thereby. Thus Virginia, with seventeen votes, had seventy delegates in the Democratic convention of 1848; South Carolina, with nine votes, had only one delegate, and that one appointed by a local gathering of eight or ten persons.²⁹ Nor was there a uniform

²⁷ *Op. cit.*, Vol. II, p. 61.

²⁸ "I happened to be in Baltimore at the time, and after the delegates from the different states had their credentials examined by the committee appointed for that purpose, there appeared to be no one present representing Tennessee. This circumstance seemed to be deeply regretted by many, and its being mentioned that I was there and a Tennessean, it was suggested by some that I might vote, which I accordingly did." *Niles Register*, quoted by Dallinger, note, p. 39. Rucker, it should be observed, belonged to the Van Buren faction, which controlled the convention.

²⁹ Stanwood, Vol. I, *op. cit.*, pp. 172 and 232.

method of choosing the delegates. In some cases legislative caucuses or even small coteries of politicians assumed authority, in other cases district conventions or state conventions; and as late as 1864 some of the Republican delegates were chosen by legislative caucus. Under the circumstances controversies that arose between rival delegations could not be settled in accordance with any fixed rule. The majority decided in its own interest. By the middle of the century, however, these anomalies were being corrected. The representation of each state was based definitely upon its electoral vote—that is, upon the number of senators and representatives in Congress;³⁰ and the national committee, which issued the call for the convention,³¹ enforced this apportionment in passing provisionally upon the credentials of the delegates and making up the temporary roll. When rival delegations appeared, it became necessary to examine the rules which governed their election. The state party organization, therefore, in order to give their delegates a clear title, was driven not only to formulate those rules more precisely, but also to regulate in more detail the composition and procedure of the bodies that chose the delegates.

Thus the national machinery of the parties pressed down upon the local machinery, forcing it everywhere into something like a common mold and articulating the whole system of nominations, from the primary or caucus through the ascending series of conventions and committees. "Each set of conventions serving as a support to the higher one," says Ostrogorski,³² "the county convention to that of the State, the State convention to the national convention, each had to pave the way for the next, to subordinate its acts to the pre-occupations of its superior. Terminating, by an unbroken series of links, in the national convention, which had to provide for the chief magistracies of the Union, the convention system inevitably made its nominations to every public office, down to those of the township, dependent on the considerations which determined the choice of the president and vice-president. To ensure the success of a certain candidate for the presidency, it was necessary to have a national conven-

National
and local
organization
integrated

³⁰ In 1848 the Democratic convention provided that each state should have the same number of delegates as it had presidential electors; in 1852 the number was doubled, each delegate having half a vote. Twenty years later the Democrats adopted the Republican practice under which the delegates, twice as numerous as electors, had one vote each.

³¹ The Democratic party has had a national committee from 1848, the Republican party from 1856.

³² *Op. cit.*, Vol. II, p. 58.

tion favorable to it; this could only be attained if the State conventions, from which the latter emanated, were composed of members ready to choose their delegates from that point of view, and so on. In this way national politics, that is, relating to the presidential election, became the axis of the whole convention system, making all the elections, even the strictly local, purely municipal ones, contests of political parties waging war for the possession of the White House."³³

Hierarchy
of conven-
tions and
committees

The parties had now perfected a remarkable organization. It stood outside the constitutional fabric of the government, no longer, as in the days of the caucus, "nestling under the wing of the legislatures and composed of their very elements." Its vast ramifications, the precision of its methods, the fervent partisan spirit that animated it carry us back to the time when the church confronted the state in medieval Europe, or suggest an analogy to the position of organized labor in Great Britain to-day, rivalling the power of the state and at times disputing its ascendancy. The hierarchy of conventions and committees rested upon the party voters, who were supposed to exercise their power in the primaries. Each territorial area in which public officers were elected had its special delegate convention. There were, for example, aldermanic district conventions, assembly district conventions, county conventions, senatorial district conventions, congressional district conventions, judicial district conventions, city conventions, state conventions. In the lower ranges the delegates were chosen directly by the rank and file of the party; but the state convention was composed of delegates from the assembly district or county conventions, which might themselves be two degrees removed from the primaries. Since the state convention chose all, or at any rate a part of, the delegates to the national convention, Calhoun had just grounds for the complaint that "the delegates to the Baltimore convention [of 1844] will be the delegates of delegates; and of course removed, in all cases, at least three, if not four, degrees from the people."³⁴ Except in the case of the national convention, delegates were usually apportioned among the units of representation according to the party vote

³³ Ostrogorski further observes (p. 69): "The number of elective offices, and consequently of elections to be conducted, having become very large, the custom arose, at the instigation of the politicians, of holding them all at once, for the offices of the city, of the county, of the State, and of the Union, and on a single list. This list, since known as the 'slip ticket,' was the material embodiment and the confirmation of the confusion of the politics of the Union with the business of the State and local affairs, introduced by the system of conventions."

³⁴ *Works*, Vol. VI, p. 240.

polled in the last election. The conventions, brought together for the performance of a specific and temporary function, dissolved as soon as that function had been discharged. The committees, one for each important electoral area, provided a continuing organization for the party. Their members were chosen for each subdivision of the area either by the conventions or by the party voters, the latter method being employed only in the small units such as towns and wards.³⁵ These committees made the arrangements for the holding of primaries and conventions, managed election campaigns, and in general, maintaining contact with committees above and below them in the hierarchy, looked after the interests of the party. They applied and enforced the party rules, which were framed sometimes by the conventions, more often by the committees themselves.³⁶

All this machinery, all this pyramid of organization, which was broadly based on the mass of party adherents and which raised its solid popular masonry, layer by layer, to the national convention at the peak, reflected the democratic aspirations of the time. It was the offspring of Jacksonian democracy. It objectified the voice of the sovereign people who, now that the aristocratic leaders had been dispossessed, asserted the right to decide everything and do everything for themselves. But, however attractive the theory might be, the people were not well-equipped for their self-appointed task. They were too spasmodic in political interest, too deficient in political information, and too much engrossed in their private affairs. The functions they were supposed to perform passed into the hands of a specialized class of politicians.³⁷ These men, proficient in the arts of management and scientific in their modes of action, took the place of the landed proprietors who had governed in the time of Hamilton and Jefferson. They disguised the essentially oligarchic character of their régime by flattering, while they shrewdly manipulated, the

Supposedly democratic, but controlled by professional politicians

³⁵ Dallinger, pp. 59-64; Ostrogorski, Vol. II, p. 211. Thus, the members of the state central committee were elected by the state convention, each county or assembly district delegation naming one member.

³⁶ Dallinger, pp. 154-155.

³⁷ Niles observed their rise and described them in 1823 as "persons who have little if any regard for the welfare of the republic unless as immediately connected with or dependent on their own private pursuits. . . . They are the opposite of statesmen. . . . There are little knots of these politicians everywhere, and at least two out of three of each gang are either office-holders or office-seekers, and each gives or takes the influence that he himself or his fellows may possess to advance particular views or keep honest and honorable men in the background." Quoted by Ostrogorski, Vol. II, p. 44.

voters, and showed, as Bryce expresses it in his *Modern Democracies*,³⁸ how a system, "professing to be democratic, can become tyrannical under democratic forms."

The absorption of power by small cliques is, indeed, a phenomenon that may be observed in all periods of history and among all peoples. A Swiss writer, Robert Michels, has formulated what he calls the iron law of oligarchy.³⁹ "It is only a minority which participates in party decisions," he says,⁴⁰ "and sometimes that minority is ludicrously small. The most important resolutions taken by the most democratic of all parties, the Socialist party, always emanate from a handful of members. In all countries the number of this inner circle is comparatively small. The majority of the members are as indifferent to the organization as the majority of the electors are to parliament. . . . Leadership is a necessary phenomenon in every form of social life. Consequently it is not the task of science to inquire whether this phenomenon is good or evil, or predominantly the one or the other. But there is a great scientific value in the demonstration that every system of leadership is incompatible with the essential postulates of democracy. We are now aware that the law of the historic necessity of oligarchy is primarily based upon a series of facts of experience. Reduced to its most concise expression, the fundamental sociological law of political parties . . . may be formulated in the following terms: 'It is organization which gives birth to the dominion of the elected over the elector, of the mandataries over the mandators, of the delegates over the delegators. Who says organization, says oligarchy.'" It is well to note that Lord Bryce, in the last of his great works, accepted this view. "This sort of oligarchy," he observes,⁴¹ "is the natural and inevitable form of government," because "the propensity to obey is at least as strong as the sense of indifference, and much more generally diffused."

THE DECLINE OF THE CONVENTION SYSTEM

The convention system, heralded as an instrument of democratic control, did not fulfill anticipations. It is sometimes assumed that the malpractices which discredited the system and brought about its ruin

³⁸ Vol. II, p. 32.

³⁹ *Political Parties* (1915).

⁴⁰ *Ibid.*, pp. 50-51, 400-401.

⁴¹ *Modern Democracies*, Vol. II, p. 548.

developed comparatively late. This fond view of a virtuous youth and a corrupted old age is, however, in the celebrated phrase of a Kansas politician, "an iridescent dream." The wire-pullers and manipulators were always there. While the most flagrant scandals occurred in the decades following the Civil War, when the rapid growth of cities and "big business" afforded opportunities and temptations on a magnificent scale, from the outset conditions had been favorable to the enterprise of professional politicians. In America democracy took a somewhat exaggerated and distorted form. Those who think they have discovered a basis of good government, Aristotle remarked, are inclined to push their new-found principle too far; they forget that in such matters disproportion is fatal.⁴² Jacksonian democracy set no limits to the competence of the voter. He possessed, in the idealized portrait, a strength of character, a soundness of judgment, and a devotion to civic duty that could not always be detected in the flesh-and-blood original. The conviction prevailed that the more frequently and directly the voter intervened in the government the better the results would be. Popular control over public officers, administrative as well as political, was to be secured by substituting election for appointment, by shortening the terms as a check to irresponsibility, and by changing the personnel at each election (rotation in office) in order to prevent the growth of official arrogance. Citizens wandered in confusion through a labyrinth of elections and lost themselves in the added complications of the elaborate nominating machinery which the parties had set up. They needed guidance. The situation provided a career to the professional politicians, who undertook to manage primaries and conventions, campaigns and elections, and who exacted for their services no fixed charge, but gratuities in the shape of the spoils of office. Thus came into being the party Machine, as the Organization in its material aspect, bending its efforts to self-aggrandizement rather than the public interest, has been styled.

Oligarchic control facilitated by
1. Overburdening of electorate

But it was not the complexity of political arrangements alone that enabled an oligarchy to get control of the party organization. Another important factor contributed to the degradation of politics. At the very time that the democratic gospel was being preached so ardently—above all by the politicians who exploited it—the better classes in the community, the professional and business men, showed a

2. Indifference of substantial citizens

⁴² Montesquieu expresses the same idea. Governments decline and fall, he says, as often by carrying their principles to excess as by neglecting them altogether.

tendency to evade the performance of their civic duties.⁴³ They did not abdicate entirely. They voted the party ticket on election day; they subscribed to the party funds; they made, in a word, appropriate gestures to indicate a serious concern with politics. But, absorbed as they were in their own affairs, dominated by the great impulse of American life towards material achievement, towards the conquest of the natural resources of the continent and the erection of commercial and manufacturing enterprises, they gave little time or attention to those party activities which determined the whole character of the government. The vital point in the scheme of party organization was the primary; and this they abandoned to the politicians. "The real danger at the caucus [*i.e.*, primary] is not from the minority of scoundrels who attend," a Massachusetts jurist declared in 1881,⁴⁴ "but from the majority of inert though well intentioned men who stay away and thus practically notify the rascals that they will meet with no effective opposition." Thus, the less desirable elements in the community, mobilized by the efficient staff work of the machine, came to exercise a disproportionate influence in politics. The machine likewise laid hold of the foreign immigrants, who were entering the country in enormous numbers by the middle of the century, and through kindly attentions won their gratitude and the tangible expression of that gratitude in political fidelity.

3. Manipulation
of the
primary

The caucus or primary, being the foundation upon which the superstructure of conventions and committees rested, determined in the end the quality of party leaders and of the candidates for public office. If weeds struck root there, they spread in every direction. In New England and in a few of the Middle and Western states the primary resembled a town meeting; the members of the party discussed the nominations before proceeding to a vote. Elsewhere it was simply an election in which the polls remained open for a few hours and the voters appeared individually to cast their ballots. The local committee issued the call for the primary,⁴⁵ settled the rules of procedure, and named the presiding officials. In principle all party members could attend. But usually some formal evidence of membership was re-

⁴³ See Bryce, *Modern Democracies*, Vol. II, pp. 36-40; Ostrogorski, Vol. II, pp. 66 *et seq.* and 269; and Walter Weyl, *The New Democracy* (1912).

⁴⁴ Dallinger, p. 152.

⁴⁵ Sometimes, in order to circumvent an opposing faction, the primary would be summoned unexpectedly, upon short notice or without any notice at all (except to the initiated), or at inconvenient times and places. This was the "snap primary." Dallinger, pp. 121-125; Ostrogorski, Vol. II, pp. 213-214.

quired.⁴⁶ Without such a test of affiliation—except in rural areas, where common acquaintance among the voters acted as a bar to fraud—the primary might be invaded and captured by the opposing party. In its simplest form the test was applied at the primary, where the voter might be challenged and his claim to membership decided thereupon by the town or ward committee. More frequently the committee made up beforehand a list of enrolled members. Thus, under the Boston Republican rules the committee compiled the list in September of each year; and any voter whose name did not appear could have it inscribed only if, at least two days before the caucus, three enrolled members supported his written claim and the committee decided in his favor.⁴⁷ In New York the Republican rules were far more stringent. In order to be enrolled the voter must (1) declare that he had supported the party ticket in the last election or intended to support it in the next election and that he would not attend the caucus of any other party during the year; and (2) be admitted to membership at a meeting of the club or association in his assembly district.⁴⁸

Control by
machine

Whatever the nature of the test, whether simple and easily complied with or elaborate and exacting, it was administered by the local committee and might, at the hands of unscrupulous satellites of the machine, be arbitrarily and unfairly applied. In New York City the district clubs became close corporations of interested politicians. "Probably nine-tenths of the Republican voters were excluded from membership in the district association," according to Dallinger,⁴⁹ "and hence, for all nomination purposes, were completely disfranchised." Either through the operation of the party rules or through the indifference of the voters—an indifference confirmed by the obstacles which the rules put in the way of participating in the primary—the machine encountered little serious and persistent opposi-

⁴⁶ The qualifications for voting in the primaries were fixed by the county committee as a rule. This committee, as Ostrogorski describes it at the close of the last century (Vol. II, p. 212), "rules over the local Organization with powers which are sometimes despotic. Generally, it frames its own rules and by-laws, and makes, at its good will and pleasure, those of the Organization over which it presides. . . . The county committee decides, without appeal, all contests which arise in the Organization. It wields disciplinary powers: it can suspend, or even turn out, the officers of the associations or of the local committees. Nay, more, it can dissolve a whole local Organization, when it encounters opposition in it, or refuse to recognize it as the 'regular' Organization."

⁴⁷ These are the rules of 1894. Dallinger, pp. 157, 159.

⁴⁸ *Ibid.*, pp. 105, 156-159, 161.

⁴⁹ *Op. cit.*, p. 106.

tion. Occasionally the so-called respectable citizens were awakened to feverish activity by the exposure of some outrageous abuse. They organized, launched a reform movement; and then slipped back into their accustomed apathy.

Corrupt
methods
of control-
ling the
primary

Opponents of the machine, indeed, had little chance in the primaries. The dice were loaded against them. The enrolled list of party members often contained the names of men who had died or who had moved from the district or who had never existed at all. In the Republican primaries of New York City, according to a statement made in 1879,⁵⁰ "the rolls are deceptive; in one district half the names of those on the rolls are not known in the district. These bogus names afford a convenient means of fraudulent voting. . . . The rolls of many of the districts are full of names of men not Republicans, and are used by the managers to perpetuate their control." In this way the machine provided itself with reserve voting power that would be equal to any emergency. As a further safeguard against "accident" the ballot box might be stuffed or the count at the close of the polls falsified—all of this with the connivance of the presiding officials whom the committee had selected with care. "The inspectors of the ward primaries," says Matthew P. Breen,⁵¹ "were appointed by the General Committee of Tammany Hall on the nomination of the leaders of the wards. The local boss printed a list of delegates, to be 'elected' at the primaries, which he called the 'regular ticket.' He had several hundred of these printed. He gave half a dozen of the printed tickets, or more if necessary, to each of his chosen followers, who were first at the polls where the votes were received and deposited in a box, under the supervision and the control of his inspector, who readily permitted these early voters to stuff the box with any number of 'regular tickets' they chose to put in them. Besides, if there were any real danger, the close followers, or as they were termed the 'heelers,' of the local leader, would keep possession of the main entrance to the place where the primary was being held, on pretence of having not yet voted, and as there was generally only one hour for voting, those hostile to the organization were deprived of any chance to cast their ballots. There was no use of attempting to force an entrance, as was sometimes done, because the police were under the control of the Tammany leaders and would permit no 'disturbance' at the polls." Under normal circumstances the machine could control the primaries and name the convention delegates who were chosen there.

⁵⁰ Quoted by Ostrogorski, Vol. II, note, p. 208.

⁵¹ *Thirty Years of New York Politics* (1899), p. 43.

Any failure in the primaries involved a struggle for control of the convention. For weeks in advance of the convention the delegates would be subjected to pressure of various kinds. They would be pestered on all sides, says Ostrogorski,⁵² approached with flattery, with civility, with promises of places, or of money, or of favors; every argument would be brought to bear. When such tactics failed, the recalcitrant delegates were, by means of sham contests which disputed their right to certificates of election, excluded from the convention. In this transaction the recognized forms of procedure were not violated. The party committee, which was charged with examining credentials and making up the temporary roll of delegates, simply decided all contests in favor of the machine; when the convention itself finally disposed of the contests, the sham delegates, having been temporarily seated, voted in their own favor. "Against such influences, what can the honest and unorganized public do?" asked a citizen of Philadelphia in 1881.⁵³ "If they select delegates not desired by the politicians, certificates are given to those not elected; or if that is imprudent, the certificates are thrown out by the convention to which they are directed." The Tammany rules even envisaged the possibility that the convention as well as the primaries might escape control. The executive committee, "whenever the honor, preservation, and integrity of this organization shall require such action," might set aside the nominations and substitute candidates of its own.⁵⁴ This was a quite legitimate provision. Tammany Hall was a voluntary association, free to make its own rules and protect its leaders. It had no monopoly in the making of nominations. If it put forward candidates of a corrupt and inferior type, the great mass of Democratic voters had the remedy in their hands. They could nominate and support their own candidates and, persisting in that course year after year, smash the Tammany organization. They had only to will it, to will it not for the day alone, not merely in a passing mood of resentment, but continuously. It was precisely in the lack of sustained civic interest that they failed. The "County Democracy," which took the field against Tammany in 1881 and adopted the most liberal rules for participation in the primaries, soon fell under the sway of a corrupt oligarchy. What the citizen of New York needed was a change of heart rather than a mere change in the rules.

That a drastic change of some kind was necessary became mani-

⁵² *Op. cit.*, Vol. II, p. 235.

⁵³ *Ibid.*, p. 111.

⁵⁴ Quoted by Dallinger, pp. 102-103.

Abuses
more
glaring
after
Civil War

fest in the decades following the Civil War. In its earlier manifestations the machine had subsisted on the immediate spoils of office. Its adherents, once elected to posts of vantage, utilized all the patronage at their disposal to reward party services, and did not hesitate to cashier every office-holder belonging to the opposite party. The politicians of New York, Senator Marcy said in 1832, "see nothing wrong in the rule that to the victor belong the spoils of the enemy." Acting on that rule, the parties, or at least the professional politicians who managed them, lived off the country like a conquering army. But after the Civil War the "spoils of office" began to acquire a new significance. New factors came into play. The rapid growth of cities afforded—in the letting of public contracts, in the granting of franchises for public utilities, and even in the exploitation of vice—opportunities of pillage on a colossal scale. The salaries attached to public office appeared insignificant in comparison with the illicit profits which the abuse of official power could produce. The spectacular operations of Tweed in New York and McManes in Philadelphia⁵⁵ reflected conditions that prevailed widely and in rural as well as urban communities.

The most interesting phase of machine politics is seen in the relationship established between the politicians and big business—the great railway corporations and the monopolized industries or trusts which took their rise in the seventies and eighties. In this era of unprecedented economic expansion and concentration of capital, business interests pushed forward ruthlessly toward their objectives, crushing weak competitors, flouting the public welfare, and, by lavish corruption, procuring from the government concessions in the shape of privileges and property, as well as connivance in their strong-arm methods. They had no political bias, but dealt in each case with the dominant machine. "In a Republican district I was a Republican," said Jay Gould, who controlled the Erie Railroad; "in a Democratic district I was a Democrat; in a doubtful district I was doubtful; but I was always Erie." When the parties were evenly balanced, both alike received contributions to their funds. City councils and state legislatures, acting on instructions from the boss of the machine, voted the franchises that had been paid for or killed pending measures that the public interest demanded and the corporations condemned. If such practices did not occur everywhere, they were at least widespread enough to be characteristic of the period.

⁵⁵ For the Tammany and Philadelphia Gas Rings see Bryce, *American Commonwealth*, Vol. II, pp. 379-425; Ostrogorski, Vol. II, pp. 151-177.

STATE REGULATION OF THE CONVENTION SYSTEM

As these abuses became more general and more pronounced, the volume of complaint increased; and at last complaint ripened into action. In the West the farmers, exasperated by the exactions of the railroads and the Eastern financiers, broke free from the categorical imperative of party and launched successively the Greenback and Populist movements. Everywhere public-spirited citizens, irrespective of party, began to prepare for an assault upon machine politics, the evil effects of which they saw clearly enough, even though the causes were sometimes but dimly apprehended. Unfortunately they gave no thought to the capital defects in American political practice, the dispersion of authority among numerous coördinate officers and the absurd multiplication of elective offices, which required the voter on a single day to select the incumbents of twenty or thirty offices; which, as it set upon him a task greater than he could perform, reduced him to impotence; and which caused the rise of the expert politician as keeper of the Sibylline books and guardian of the occult business of nominations and elections. They seem to have had no thought that the seat of the trouble lay there. Nevertheless, two important reforms were effected. The first applied the merit system, with its competitive examinations and security of tenure, to the federal civil service and to the civil service in a few states. Enthusiasts believed that this blow at the spoils system would break the machine, that the mercenary politicians, deprived of subsistence, would die of inanition. Nothing of the sort happened, partly because the reform did not proceed far enough and partly because the politicians had discovered other sources of income, but chiefly because the fundamental causes of machine politics had not been touched. The second reform introduced the secret Australian ballot. It was first adopted in Kentucky and Massachusetts (1888). Once more the machine would suffer. Votes would no longer be controlled by intimidation or purchase, because the voter marked his ballot in the privacy of the polling-booth; independent candidates would no longer be discouraged by the prospect of large expenses, because the printing and distribution of the ballots was now undertaken by the state. But, while the Australian ballot corrected some manifest and serious abuses, it did not appreciably weaken the party organizations. These, when unable to prevent its adoption, usually managed to give it a form which facilitated the voting of a straight party ticket; and so great was the spell of the party name and the party emblem, so helpless the

The first legislative reforms:

1. The merit system in the civil service

2. The Australian ballot

voter in marking the long ballot unless he allowed the spell to work freely upon him, that under the new dispensation independent candidates got very little support.

Reform of
the party
primaries
follows

In practice the issue of an election lay between the candidates of the two major parties. If within these two parties corrupt, or at any rate self-interested, oligarchies really dictated the nominations, the proceedings on election day could hardly yield satisfactory results. It was therefore natural that public opinion, having sought to check the machine first, after the election, by curtailing the spoils, then, at the election, by guaranteeing a free vote, should turn finally to the regulation of party activities before the election. The primary came to be regarded as the key-position, for in the primary the enrolled voters of each party chose the delegates and thus took a first step which determined the direction of every subsequent step. If the state interposed to ensure a fair contest between the parties in the election, the logic of the situation seemed to demand a like intervention in the preliminary contest within each party. Americans have rather a primitive faith in the efficacy of legislation; and in this case they evaded the real problem—the problem of developing a more general active interest in party affairs—and, since the parties showed little disposition to reform themselves from within, proceeded to impose (on paper, in the statute-books) reform from without. With the adoption of the Australian ballot, parties that polled a certain percentage of the aggregate vote had been given a legal status and a privileged position. They were entitled to have the names of the candidates inscribed on the ballot. Was it not reasonable that the state, having agreed to accept the nominations, should prescribe the rules under which they should be made? Thus the agitation for ballot reform gave new energy to the primary-reform movement, which, by 1890, had brought forth legislation of some kind in half the states.⁵⁸

The first
tentative
steps

At first the state legislatures had abstained from serious interference with the private affairs of the parties. They had been content to suggest, rather than insist upon, better methods of procedure; to formulate a series of rules in an optional statute which would bind the parties only in the event of their electing to come under its provisions. California led the way in 1866. The statute provided that the call or notice of the primary should be given adequate publicity and that it should state the purpose, time, place, and procedure of the primary, the name of the presiding officer, and the qualifications re-

⁵⁸ C. E. Merriam, *Primary Elections* (1908), pp. 24-25. A revised edition of the book appeared in 1928, by Merriam and Louise Overacker.

quired for voting. Penalties were imposed for certain offences, such as fraud and unfairness in the conduct of the primary, false statements by a prospective voter, and repeating (that is, voting more than once).⁵⁷ In the next quarter of a century eight or ten states, following the example of California, enacted optional laws. Mandatory laws, much more limited in scope, also made their appearance.

Hitherto no legal penalties had attached to the corrupt conduct of the primaries. The crudest forms of fraud and oppression could be practised openly; votes could be bought and sold or ballot boxes stuffed without fear of punishment. In the case of such obvious scandals the propriety of legislative repression could not well be questioned. As early as 1866 a New York statute had defined bribery and intimidation, both in primaries and in conventions, as misdemeanors; and during the eighties a dozen states took similar action, somewhat extending the line of attack. Indeed, New York enacted in 1882 and 1887 mandatory laws of a new type, laws which, though less complete, resembled the optional law of California in regulating procedure, but differed from it in being applicable only to specified counties.⁵⁸ There is more than a superficial difference, more than a difference of degree, between providing for the punishment of bribery, as in 1866, and fixing the hours of the primary or the size of the polling-place, as in 1887. "The right of the electors to organize and associate themselves for the purpose of choosing public officers," said a New York judge,⁵⁹ "is as absolute and beyond legislative control as their right to associate for the purpose of business or social intercourse or recreation. The legislature may, doubtless, forbid fraud, corruption, intimidation, or other crimes in political organizations the same as in business associations, but beyond this it cannot go." This new type of mandatory reform, which in a few years found expression in five other states, was patently at variance with the conception of party as a private and voluntary association. By 1890, nevertheless, when the Australian ballot was making conquests in state after state, the legal regulation of the primary-convention system had already begun. In the closing years of the century it proceeded at a very rapid pace.⁶⁰

⁵⁷ Merriam, *op. cit.*, pp. 10-11. As amended in 1874 the law "outlined a scheme for the protection of nominations almost as complete as that then existing for the protection of the election." *Ibid.*, p. 16.

⁵⁸ As to the scope of the law of 1887 see *ibid.*, pp. 22-23.

⁵⁹ Dissenting opinion of Justice Cullen in *People v. Democratic Committee* (1900), cited by Merriam, *op. cit.*, p. 99.

⁶⁰ The best sketch of this legislation will be found in Merriam, *op. cit.* Certain aspects are treated more fully by E. C. Meyer, *Nominating Systems*

Detailed
regulation
by man-
datory law

When a state legislature had once accepted the principle of regulation and passed the first tentative statute, it could find no logical stopping-place short of complete occupation of the field. Statute followed statute, amendment followed amendment, each penetrating farther into the region of party self-government. Such at least was the general tendency, though the fever did not everywhere assume the same virulence⁶¹ and affected the Solid South less than other sections of the country.⁶² No longer was it deemed sufficient merely to require due public notice of the primary. The laws began to fix the date, usually the same date for all parties, and to give the primary in this way the character of a preliminary election in which most of the voters, being attached to one or other of the great parties, were expected to participate. The primary was, in fact, assimilated to the general election, having the same officials in charge, the same form or at least some form of the secret ballot, and the same procedure.⁶³ A party instrument of which the state took no official cognizance now became an instrument of the state through which the parties functioned in compliance with detailed prescriptions. All the expenses—for the hiring of polling places, the printing of ballots, the payment of inspectors or supervisors—were, as in the election, a charge upon public funds. In other words, the general body of citizens, including those who stood outside the recognized parties and

(1902), which describes, for instance, the Massachusetts act of 1894 and the New York act of 1899.

⁶¹ Thus in New Jersey there was no extensive regulation of the primary until 1903. See R. S. Boots, *The Direct Primary in New Jersey* (1917), pp. 15-24.

⁶² The Solid South, with its dominant social problem and its dominant party, remained more or less outside the general current of primary reform. Such laws as were passed did not go beyond requiring proper publication of the call, imposing on primary officials an oath for the faithful performance of their duties, and providing for the punishment of certain corrupt practices. The party committees were still permitted to fix the time, place, and procedure of the primary, as well as the qualifications for voting; and the party still bore all the expense, raising the money by means of assessments upon the candidates. Meyer, *op. cit.*, pp. 121-145. Under party rules, as will appear later, the South led the way in substituting the direct primary for the convention.

⁶³ These are generalizations based upon the most advanced legislation. The development, depending entirely upon the action of forty-odd states, was not uniform through the country. Although Congress has power to regulate elections in which federal officers are chosen, it took no part in primary reform; indeed, there is some doubt whether the process of nomination falls within the scope of its constitutional authority (*Newberry v. U.S.*, 256 U.S. 232, 1921).

drew no benefit from the official primary, footed the bill, very much as they would, whether orthodox or agnostic, contribute to the support of a religious establishment.

The parties themselves ceased to be autonomous, lost control of the vital elements in their constitution. The law stepped in to prescribe the composition of their directing committees, how these should be chosen, and even, in a general fashion, what powers they should exercise. It also laid down the conditions of party membership. Thus in Minnesota (1899) the primary was open to those who declared that they had supported the party in the last election and intended to support it in the next election; and in Massachusetts (1897) no one could be excluded who, being challenged, swore that he had not participated in the primary of any other party within one year and that he intended to support the nominees of the caucus. In New York (1900), where enrolment for the September primary took place at the time of registration in October of the previous year, the applicant declared "that I am in general sympathy with the principles of the party . . . ; that it is my intention to support generally at the next election, state or national, the nominees of such party . . . ; and that I have not enrolled with, or participated in any primary election or convention of any other party since the first day of last year." Important as other aspects of legislative intervention might be, provisions of this kind, robbing parties of the last vestige of control over their own destiny, disclosed the fundamental and revolutionary character of the changes that were taking place.

Perhaps in their practical application these changes proved to be less revolutionary than they appeared to the theorist. But, from the standpoint of theory at least, when the state asserted the power to set up a membership test, it extinguished the vital spark and left only the material shell of the party. What purported to be reform looked very much like assassination. Party, even if its activities were regulated, would still possess more than a mechanical existence as long as it could control its composition—as long as it retained the right not only of admitting to membership, but also of excluding and expelling. That right had disappeared. According to the new principle, any voter could belong to the party, whatever his motives, provided that he desired to belong and fulfilled certain formal requirements. The party defences were broken down.⁶⁴ For this reason a reform party

Its effect
upon the
character
of parties

⁶⁴ "The parties are governed, ultimately, by the rank and file—a topsy-turvy army in which the generals are elected by the captains and the captains by the privates. And the privates consist of anybody who wants to join.

in New York, the Citizens Union, found that the only way to escape contamination by invading spoilsmen was to cease being a party.⁶⁵ In the same city a few years later William Randolph Hearst's party, the Independence League, was invaded and captured by its enemies; and Mr. Hearst had to improvise a new organization for his followers, the Civic Alliance, which nominated candidates by petition.⁶⁶ "In Philadelphia," says Richard S. Childs,⁶⁷ "the state law governing primary procedure makes entrance to a party quick and easy. The reformers organize a reform party and nominate reform candidates. Immediately the grafters enroll in the new party, and the next time the party makes nominations the reformers find themselves outvoted by their new and unwelcome associates, and the reform party nominates grafters. Thereupon the true reformers hold an indignation meeting, adopt a new name, establish a new party, leaving the previous one to an early death—and the procedure is repeated." We observe in rapid succession the City party (1905), William Penn party (1909), Keystone party (1911), and Washington party (1912). The phenomenon is by no means confined to the East. Attention has already been drawn to the fact that the Nonpartisan League forced its socialistic program and candidates upon whichever party happened to be dominant in a particular state.⁶⁸ The unfortunate results of the state-imposed party-membership test are not, then, merely theoretical or latent. They have manifested themselves all too frequently and in the most striking fashion. The situation would hardly be tolerated if the parties were the only organs of public opinion and political action. It is happily true that private associations of more limited

A political machine cannot resist contamination. . . . To place political power in such unguarded exposure is to make it certain that the power will sooner or later fall into the hands of corrupt men. The whole process is automatic and inevitable. The opportunity to cheat will attract the cheaters—and the cheaters must be welcomed. To say that the dominant political machine in every community is corrupt is no reflection on the community, or even on the machine—it is only another way of saying that the dominant machine is the one that gets corrupted. The moment it acquires power, the grafters begin to join it." Richard S. Childs, *Short Ballot Principles* (1911), p. 140.

⁶⁵ See Chapter VI.

⁶⁶ This occurred in 1909. The stolen League, being a party as defined by law, had its column on the election ballot; and, although it brought forward no candidates and although on the ballot the words "no nomination" appeared under the title of each office, 14,000 persons voted the blank ticket.

⁶⁷ *Op. cit.*, p. 142.

⁶⁸ See Chapter VII.

scope, organized groups such as were described in Chapters VI and VII, have not been deprived of the means of self-protection.

Primary legislation, in view of the gravity of the changes which it introduced, was frequently challenged in the courts.⁶⁹ Strong arguments could be advanced in attacking the validity of specific provisions: the discrimination between parties on the basis of voting strength (that is, the legal definition of party), the payment of primary expenses (though incurred on behalf of the privileged parties alone) out of public funds, and the imposition of a membership test which exposed the parties to invasion; and quite aside from detail, if only the principle of the statutes were considered, the question must arise as to the rights of private associations in the management of their own affairs. The judiciary might well have discovered a constitutional bar to reforms of this kind. As the guardian of personal and property rights it had often stood in the way of social reforms for which a much stronger case could be presented. No doubt such a check, though serviceable in encouraging second thoughts and modifications of view, would have been temporary; in California, when three successive primary acts (1895, 1897, and 1899) had been declared unconstitutional, the subject was placed beyond the reach of the courts by constitutional amendment.⁷⁰ As a matter of fact the legislation was usually sustained. "The decisions in the line of cases regarding registration and the Australian ballot," says Professor Merriam,⁷¹ "naturally smoothed the way for favorable treatment of the acts regulating the conduct of primaries. With such precedents established, the courts have experienced little difficulty in finding grounds for the support of primary legislation. In a few instances acts have been declared unconstitutional, notably in California and Illinois,⁷² but in these cases particular and relatively unessential features of the laws have been called in question rather than the general authority of the legislature to regulate the nominating process. . . .

Attitude
of the
courts

⁶⁹ Merriam, *op. cit.*, Chapter VI, pp. 91-116.

⁷⁰ With regard to the act of 1897 the court condemned the party-membership test. "If such a power may be sustained under the constitution," it said, "then the life and death of political parties are held in the hollow of the hand by a state legislature." But, strangely enough, the act of 1899 was declared unconstitutional because it imposed no such test and, in the language of the court, permitted the control of parties to be "taken from the hands of its honest members and turned over to the venal and corrupt of other political parties or of none at all."

⁷¹ *Op. cit.*, pp. 97 and 103.

⁷² In Illinois four successive statutes (1905, 1906, 1908, 1910).

To the broad question, then, whether the legislature has the power to enact a primary law regulating the internal affairs of a political party, the judiciary has generally returned a favorable answer. In principle such legislation is usually conceded to be constitutional.”⁷³

⁷³ It was held constitutional as an exercise of the police power or of the plenary power of the legislature in the absence of specific constitutional limitations; and also on the ground that the state, having conceded to party candidates a place on the election ballot, might attach reasonable conditions to the privilege.

Chapter XIII

DEVELOPMENT OF ORGANIZATION: THE DIRECT PRIMARY

At the opening of the twentieth century the convention system, having endured so long and having survived the worst period of political corruption in our history, might well have been regarded as a permanent feature of party organization. True, its character had changed. Through statutory regulation it had been transformed into a public agency; the convention, like the primary in which the delegates were elected, moved along a blazed trail of restrictive enactments.¹ But, after all, the purpose of the state in pushing forward these reforms was to restore the prestige of an institution whose persistence for three-quarters of a century seemed to establish its superiority.

The convention, considered in the abstract, could lay claim to excellent qualities. It was the party council, a deliberative assembly in which, presumably, the best men sat as representatives of the rank and file. These representatives, drawn from all sections of the state or district, reflected the various shades of opinion in the party. Through personal contacts and exchange of views they were likely to reach an agreement in the common interest and pursue a line of conduct that would appease factional antagonisms and local grievances. They discussed and settled policies, chose the committees, nominated the candidates; and in doing these things a sense of responsibility inclined them towards compromise rather than towards the extreme views of a bare majority. In selecting candidates the spirit of compromise showed itself in a preference for men who were more or less acceptable to all factions and in a recognition of nationalistic

Theoretical merits
of the
nominating
convention

¹ The convention was not regulated with the same completeness as the primary. In the nature of things such a body must possess a considerable discretion. But in a number of states legislative remedies had been applied to the more flagrant abuses. There was a tendency to fix the date of the convention, lay down the principle on which the delegates should be apportioned among the local areas, safeguard the rights of delegates in the granting of credentials, forbid the use of proxies, and require a roll-call in the election of convention officers and in the nomination of candidates.

groups, geographical regions, and economic interests.² In practice, however, these virtues were often obscured.

Its
revealed
defects

"The old conventions did not 'deliberate' on candidates," says Chester H. Rowell.³ "They traded, or obeyed and took the program. They did not represent the party, they misrepresented it. If they were 'responsible' for anything it was not for their nominees. Their only use was to prevent the people from governing themselves." While men of eminence and integrity made their influence felt in national and state conventions, even in these, and more commonly in the less important bodies, there appeared too many office-holders,⁴ too many office-seekers, too many mere tools of the machine. A considerable number, without any credentials of their own, made their way to the convention by procuring the proxies of regular delegates who did not care to attend. A Cook county convention of 1896—held, it may be well to remember, before the Illinois legislature had undertaken mandatory reform—indicates the appalling degradation that might be observed occasionally in the politics of that period. Among the 723 delegates 17 had been tried for homicide, 46 had served terms in the penitentiary for homicide or other felonies, 84 were identified by detectives as having criminal records. Considerably over a third of the delegates were saloon-keepers; two kept houses of ill-fame; several kept gambling resorts. There were eleven former pugilists and fifteen former policemen.⁵ Although the personnel can rarely have approached this nadir of degradation, the delegates were as a rule mediocre in quality and dependent upon the boss. They took the orders of the boss, who, with his lieutenants, decided everything beforehand and, having made it his business to "get" the delegates at or after the primaries, could give what orders he chose. Even had the convention been composed of better materials and left free to

² See on this point the view of Senator Hanna in Herbert Croly's *Marcus Alonzo Hanna* (1912), p. 356.

³ "The Success of the Direct Primary," *Transactions of the Commonwealth Club of California*, Vol. XIX (December, 1924), p. 566.

⁴ From the early days of the convention system office-holders were the mainspring of the machine. "The Organization in all its grades was full of office-holders," says Ostrogorski (Vol. II, p. 67); "they not only acted behind the scenes, but attended the various conventions in a body as delegates, and very often formed the great majority." According to Niles (1831), no less than 69 of 119 delegates in the New York state convention were office-holders. "It is thus in every state in the Union," he remarks.

⁵ R. M. Easley, "The Sine-qua-non of Caucus Reform," *American Review of Reviews*, Vol. XVI (1897), pp. 322-324. The policemen of Chicago at that period were not highly regarded.

make its own decisions, so large a body, meeting for so short a time, could not have engaged in effective deliberation. The circumstances permitted little more than a "yes" or "no" to proposals that were formulated by a small coterie of party managers. Let it be understood, however, that the convention could have been reduced to manageable size; that, if the delegates betrayed a trust, a simple remedy lay in the election of men incapable of such baseness; and that, if the boss controlled the convention, the public knew it and could, but for fatal indifference, have enforced responsibility upon him.

But, though the convention was a good thing in principle and might have been made a tolerable thing in practice, a movement to supplant it had already begun. The same impulse that had brought about the regulation of the primary-convention system, gathering greater and greater momentum as official investigations and "muck-raking" magazine articles piled up evidence of scandalous misconduct on the part of public servants, now refused to give time for a fair trial under the new conditions. The reformers were in no mood for temporizing. They felt that something still more drastic must be done to break the alliance between corrupt business and corrupt politics. This feeling manifested itself chiefly in the West. There, with a fervent, if rather uncritical, fundamentalism, the people (or some of them) demanded a reaffirmation of the old faith of the Jacksonian frontier. They would go back to the simple precepts of democracy, sweep away the pernicious ritual that clouded the truth, and restore government to the people. The insurgents or progressives, as they came to be styled, put together in their creed everything that democratic fundamentalism could ask: woman suffrage; direct election of United States senators; the recall, a sort of extension of the short-term doctrine, providing for the removal of elected officers by plebiscite; the referendum, under which the electorate could exercise a veto upon acts of the legislature; the initiative, under which the electorate could dispense with the legislature entirely in the making of laws; and the direct primary, which would do away with the nominating assembly or convention and make the party candidates the direct nominees of the party voters.

The direct
primary
offered
as a
substitute

The emphasis, then, was upon direct, as opposed to representative government. The masses, who in Jackson's time had driven out the self-appointed aristocratic leaders and substituted leaders of their own (in practice an oligarchy of professional politicians), now seemed to regard leadership as superfluous. Strong in the conviction of their own virtue and wisdom, they attributed the evils of misgovernment,

Objections
to the
principle
of the
direct
primary

not to any dereliction on their own part, but to the employment of intermediaries who, once in possession of a power of attorney, duped and exploited them. It was a splendid gesture. But, on two grounds at least, cynics might withhold their admiration. First, from the standpoint of experience: if the supposed failure of the convention system had been due to civic apathy, how could the voters be expected to assume the vastly increased burdens which the new schemes involved? And, secondly, from the standpoint of institutional development, was not the new departure reactionary, retrogressive? "It is the history of all evolutionary processes," President Butler has observed,⁶ "that for particular purposes special organs are developed; for particular activities special instrumentalities are produced; and in developing any truly forward movement we proceed from the simple to the complex. In organic evolution the process is one away from the gelatinous and formless mass of the lower organisms to the exceedingly complex structure of the higher mammals. Obviously, then, it is at an earlier stage of evolution when one organism or instrumentality performs all functions, when one organism or instrumentality carries on government in all its forms, as well as those economic activities which result in providing clothing, shelter and food. As we develop, however, and as we progress, we differentiate; we throw out feelers, as it were; we develop special organisms and instrumentalities, social as well as individual; and these divide among themselves the economic, industrial and governmental functions of the social unity. In this way we get a division of labor; in this way we get a specialization of function. A really progressive movement, therefore, is a movement towards differentiation, towards complexity, towards specialization of structure and function. The movement towards the perfecting of representative government is progressive; a movement away from representative government, a movement that would shackle and limit it, and that would appeal from representative institutions to direct democracy, is reactionary."

On broad philosophical grounds the direct primary, like direct legislation, might well be regarded as a dubious instrument to employ in a highly specialized society. But logic and philosophy are not

⁶ *Why Should We Change Our Form of Government?* (1912), pp. 12-13. President Butler adds: "It would be just as appropriate to organize a movement, in the name of a progressive democracy, to cut our own clothes and make our own shoes, when tailors and shoe-makers are unsatisfactory, as to assume for the people as a whole the political duties which belong to representative bodies of officials, because these do not in every case do just what we should like."

controlling factors in politics. At this juncture a concrete problem pressed for solution. The demoralization of government, which had been driven home to the public by the most shameful disclosures, reflected demoralization within the parties. If the future was to promise something better than a succession of scandals, if preventive rather than punitive measures were to be taken, then party organization must be transformed. From the Atlantic to the Pacific this view found expression. Circumstances seemed to warrant it. In California, for example, the party machines, Republican and Democratic alike, acted as tools of the Southern Pacific Railroad, which threatened to absorb the entire life of the community. "No state in the Union," said Professor Jesse Macy,⁷ "has had a more perfect party organization, radiating from one central office and ramifying in both parties to the smallest local areas. Gradually, as the hidden links in the chain have been revealed, the citizens have seen their actual relation to state and national business and to politics." In New York utter unscrupulousness seemed to mark the Democratic régime in the city and the Republican régime in the state. Charles Evans Hughes, forced upon the Republican machine as a candidate for governor after his successful conduct of the famous insurance investigation, urged the enactment of a direct primary law. His messages to the legislature present the views of a man of poise and judgment who was unlikely to be moved by doctrinaire considerations or emotional enthusiasm. Governor Hughes, while persuaded that the reform would bring about an improvement, was far from expecting miracles. He knew that human nature cannot be changed by statute. But the voter in the primaries, he thought, was more likely to be interested in the selection of candidates than in the selection of delegates. "The present system tends to discourage participation by the party voters in the affairs of the party," he said.⁸ "Entrenched power is so strong

Political conditions favorable to its introduction

⁷ *Party Organization and Machinery* (revised ed., 1912), p. 200. "It is the common belief that the railroad has dominated fully two-thirds of the newspapers of the state; that it has caused bankers everywhere to feel the danger of opposing the railroad program; that it has nominated, elected and controlled city and county officers and state legislatures; that it has named the members of the railroad commission and dictated their action, and that it has made the bench and the bar of the state tributary to its interests."

⁸ Messages of 1909 and 1910. See Charles A. Beard, "The Direct Primary in New York," *Proceedings of the American Political Science Association*, Vol. VII (1910), pp. 187-198. "Favoritism in the departments of administration," Hughes declared, "the non-use or misuse of supervisory powers, the shaping or defeat of legislation to protect particular concerns or interests—

and the influence upon the choice of party candidates is so remote that it requires an unusual situation to call forth the activities of the party members to the extent desirable. . . . The ordinary party member, who cannot make politics a vocation, feels that he is practically helpless, a victim of a system of indirect, complicated, and pseudo-representative activities which favor control by a few and make party candidates to a great extent the virtual appointees of the party managers. Party members are largely out of sympathy with their party organization because they believe that its powers are abused and its purposes perverted." This was measured language. Other advocates of the new method of nomination expressed themselves in more glowing terms.

Its significance in the struggle between Progressives and Old Guard

The direct primary made its rapid conquests in the West as a phase, and perhaps the most important phase, of a democratic revival. Those who preached the gospel of a new heaven and a new earth kindled a popular emotion like that of the camp-meeting. Even in the East, where the new creed encountered a good deal of skepticism and won fewer and less ardent proselytes, men of high and disinterested motives gave their support to champions of the direct primary like Governor Hughes of New York and Governor Wilson of New Jersey. But almost everywhere insurgent politicians capitalized popular enthusiasm in their struggle for ascendancy in the party organizations. Their situation resembled that of the dexterous politicians who managed the campaigns of Andrew Jackson and overthrew the congressional caucus when they could not control it. The Old Guard, the Stalwarts, the Stand-patters had "dug in," entrenched themselves in the convention system; apparently they could not be dislodged by a frontal attack. Effective strategy called for some new device that would force the evacuation of the trenches and restore open warfare. The Jackson men made use of the delegate convention; the insurgents of the twentieth century turned to the direct primary. That institution had already made its appearance in the states of the West and the South.

The direct primary seems to have been employed first in Crawford county, Pennsylvania. There, shortly after the close of the Civil War (in 1868), the local rules of the Republican party did away with the

in short the degree of success which has attended the efforts of those who have not been entrusted with governmental authority to dominate the action of public officers and keep in power those who will be amenable to their control—may be traced in large measure to the methods which have been in vogue in making party nominations."

delegate convention and provided that the candidates should be nominated at the primary.⁹ In those early days the "Crawford County System"—not till the close of the century did the term "direct primary" come into common use—attracted some attention as an instrument of reform, without being regarded, however, as a serious rival to the convention system in any state outside of the Solid South. It gained a foothold in four other Pennsylvania counties¹⁰ and moved westwards into Ohio (where the Republican voters of Cleveland, or rather Cuyahoga county, approved its introduction in 1887), Indiana (where it was adopted in a dozen counties), Iowa, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Utah, Nevada, and California.¹¹

Its establishment by party rules in Western states

Everywhere, as in the state of its origin, the experiment was sponsored by the local party organizations and confined to small areas in which the reform element had gained the upper hand. It indicated a healthy growth of dissatisfaction with machine politics, a movement within the parties, as yet too weak for more than sporadic expression, to undertake the house-cleaning that was soon to be exacted by public authority. The new methods of nomination did not escape regulation by the state legislature. The first direct primary act appeared in 1871, an optional statute applying to Lancaster county, Pennsylvania. It provided that the primary election judges should be sworn to the faithful performance of their duties and that voters, being challenged, should be examined under oath. Similar statutes were enacted for Crawford, Erie, and Beaver counties. But in the states of the West and Middle-West, except Ohio, the statutes, though optional, were of general application, extending as a rule to all primaries, whether of the new direct pattern or otherwise;¹² and in Nevada (1883), Colorado (1887), and Iowa (1898) their very limited provisions were mandatory.

It was in the South rather than in the West, however, that the widest development of direct primaries took place.¹³ There the idea of

⁹ C. E. Meyer, *Nominating Systems* (1902), pp. 146 *et seq.*

¹⁰ Lancaster, Erie, and Beaver in the 'seventies; Lackawanna in 1898. Meyer, *op. cit.*, pp. 146-150.

¹¹ Meyer, *op. cit.*, gives the best account of the early development of the direct primary. Further details are given in the unpublished *Index-Digest of Primary Laws* (1922), compiled by the Legislative Reference Division of the Ohio State Library, for whose courteous loan of the manuscript I wish to express thanks.

¹² South Dakota had no primary law of any kind until 1905.

¹³ Meyer, *op. cit.*, pp. 121-130.

reform had less influence than the peculiar conditions arising out of the race problem and the overwhelming predominance of the Democratic party. The elections attracted less interest than the primaries, because the Democratic ticket always prevailed; and the direct primaries afforded an opportunity to hold within the party a real election as a preliminary to the formal election which merely ratified the decision of the party voters. In every one of the ten states of the Solid South the new system came into operation under party rules, tending to spread from county to county over the whole state and even to extend to the nomination of state officers, as in South Carolina. In 1888, when the direct primary had become fairly well established, legislative regulation began.¹⁴ Usually it took an optional form and left a very wide discretion with the party committees; but in South Carolina (1888) and Mississippi (1892) the statutes were mandatory in the sense that direct primaries, if held at all must conform to the provisions laid down. In the states bordering upon the Solid South—Maryland, West Virginia, Kentucky, Tennessee, Missouri—the direct method of making nominations was employed in varying degree, most conspicuously in Kentucky, where an optional state-wide law was passed as early as 1880.¹⁵

Situation
at close
of the
nineteenth
century

Before the close of the nineteenth century, then, the direct primary had supplanted the convention in many Western counties and come into general use through the South. It existed by virtue of party rules; the laws that regulated it were almost invariably of an optional character; and in its widespread development these circumstances seemed to show that it possessed an inherent strength and had its rise, without artificial stimulation, deep in the realities of American political life. The insurgent politicians of the West, therefore, in urging the universal adoption of the direct primary at this time, proposed no hazardous experiment with a substance whose properties were unknown. The laboratory tests had been made. Just as the county convention, early in the nineteenth century, prepared the way for the overthrow of the legislative caucus, so now the direct nomination of county officers, making its appearance here and there and winning popular approval, foreshadowed the rapid collapse of the

¹⁴ By 1900 North Carolina was the only state in the Solid South without a primary law.

¹⁵ Tennessee was the only border state in which no primary law was passed before the end of the century. A Missouri statute of 1891 (amended 1893), applying to cities of 100,000 population, required parties polling one-fourth of the total vote to make their nominations by direct primary.

whole convention system in the West. The insurgents wished to abolish the convention utterly and to substitute the direct primary for the nomination of all elective officers, state and local alike. They demanded state-wide mandatory laws. The movement attracted great attention in 1901 when bills were introduced in the legislatures of nineteen states, all but six of them in the West or Middle-West.¹⁶ The only substantial victory, however, occurred in Minnesota; and there the convention was retained for the nomination of state officers. It was not till 1904 that the first comprehensive state-wide mandatory laws were adopted in Wisconsin and Oregon.¹⁷

Demand
for state-
wide man-
datory
direct
primary

In his autobiography the late Senator La Follette has told the story of his struggle with the Republican bosses of Wisconsin. Nowhere can a better understanding of the direct-primary movement be obtained than in the pages of his book. It is perhaps worthy of notice that the convention system, which La Follette afterwards denounced as an instrument of political robbery, offered no serious obstacle to his early advancement in public life. In the face of opposition from the boss of Dane county, he was nominated for the office of district attorney in the year of his admission to the bar.¹⁸ The party gave him a second term in that office and afterwards sent him to Congress for three terms. A Democratic landslide and not the artful devices of the machine brought about his defeat in 1890. Then came a dramatic break with the state boss, Philetus Sawyer, who, according to La Follette's public statement, had attempted to bribe him and through his influence secure a favorable decision in cases pending before his brother-in-law, Judge Siebecker. The newspapers refused to credit his version of the transaction. He found himself ostracized.¹⁹ But La Follette, being a man of courage and belligerent disposition, did not give ground. "Out of this awful ordeal," he says,²⁰ "came understanding; and out of understanding came resolution. I determined that the

La Fol-
lette's
struggle
with Wis-
consin's
Republican
machine

¹⁶ Meyer, p. 94.

¹⁷ The Mississippi law of 1902, while state-wide and mandatory, left the conduct of the primary for the most part in the hands of the party committees.

¹⁸ In his *Autobiography* (1913), p. 13, he explains his success: "I had gone behind all this organization and reached the voters themselves." This most certainly suggests that the convention was not uninfluenced by public opinion; and abundant evidence of the same kind can be drawn from other states.

¹⁹ "Besides a little group of personal friends, there was no one to raise his voice in my defence. Prominent politicians denounced me. I was shunned and avoided everywhere by men who feared or sought the favor of Senator Sawyer and his organization." *Autobiography*, p. 160.

²⁰ *Ibid.*, pp. 164-165.

power of this corrupt influence, which was undermining and destroying every semblance of representative government in Wisconsin, should be broken. . . . I did not underrate the power of the opposition. I had been made to feel its full force. I knew that Sawyer and those with him were allied with the railroads, the big business interests, the press, the leading politicians of every community. I knew the struggle would be a long one; that I would have to encounter defeat again and again. But my resolution never faltered." In 1894 La Follette began a ten-year fight against the machine. He failed to secure the gubernatorial nomination for Congressman Haugen in 1894 and for himself in 1896. On the latter occasion, although the primaries gave him, he says, a majority of the delegates, some of them deserted him in the convention. In a word, they were bought. The same thing happened again in 1898. "When the convention met," we are told,²¹ "I should have been nominated on the first ballot, except for the use of money with delegates exactly as in 1896. Senator Stephenson, then a Scofield supporter and a power in the old organization, stated many times to my friends that the total amount of money required to handle the delegates the night before the balloting was \$8,300."

His advocacy of the direct primary

It was the betrayal of 1896 that made La Follette the bitter enemy of the convention system. Shortly afterwards, in an address at the University of Chicago, he advocated the direct nomination of all elective officers by both parties on the same day and under the safeguards of the Australian ballot. "Conventions," he said,²² "have been and will continue to be prostituted to the services of corrupt organization. They answer no purpose further than to give respectable form to political robbery. Abolish the caucus and convention. Go back to the first principles of democracy; go back to the people. Substitute for both caucus and convention a primary election—held under the sanction of laws which prevail at general elections—where the citizen may cast his vote directly to nominate the candidates of the party with which he affiliates and have it canvassed and returned just as he cast it. . . . Then every citizen will share equally in the nomination of the candidates of his party and attend primary elections as a privilege as well as a duty. It will no longer be necessary to create an artificial interest in the general election to induce voters to attend. Intelligent, well-considered judgment will be substituted for unthinking enthusiasm, the lamp of reason for the

²¹ *Autobiography*, p. 220.

²² *Ibid.*, p. 197.

torchlight. . . . The nominations of the party will not be the result of 'compromise' or impulse, or evil design. . . ." In fact, the new conditions would approach very close to the ideal.

La Follette was elected governor in 1900, a rift in the party machine having facilitated his nomination. Not till near the close of his second term, however, did he prevail upon the legislature to enact the kind of direct primary law he desired; and even then provision was made for a referendum. The Wisconsin direct primary law, adopted by the people in 1904, swept away every vestige of delegate conventions. It provided that every candidate, from constable to governor, should be chosen by the party voters at the primary; that the names should be placed on the primary ballot by petitions, these being signed by 1 per cent of the party voters in the case of a state office, 2 per cent in the case of a congressman, and 3 per cent otherwise; that the expense should be borne by the state or subdivision of the state, as in general elections; that the county committees, elected at the primary, should choose the congressional district, senatorial district, and assembly district committees; and that the state committee should be chosen by the state platform convention, or party council, this to consist of the party candidates for state office and for the legislature, together with hold-over state senators. The primary was to be held for all parties at the same time and place.²⁸ The voter received the ballots of all parties and, in the privacy of the polling-booth, marked the one of his choice.

Wisconsin
law of
1904

The impulse given in Wisconsin and Oregon soon made itself felt throughout the West. In 1907 Iowa, Nebraska, North Dakota, and Washington fell into line; in 1908 Kansas and Illinois; in 1909 California, Idaho, Michigan, and Nevada. Nor was the movement confined to the Western part of the country. Missouri and Texas in 1907, Oklahoma in 1908, Tennessee in 1909 enacted state-wide mandatory laws. The first Eastern state to accept the new gospel was New Hampshire (1909). The progressive forces, gaining steadily in strength, added state after state to their conquests, New Mexico being the last. To-day the convention system stands unshaken in only two states: Connecticut and Rhode Island. "For better or for worse,"

Rapid
spread of
the direct
primary

Its adop-
tion in
forty-five
states

²⁸ Any political organization which received 1 per cent of the total vote at the last presidential election, in the state or a subdivision of the state, could participate in the primary. Other organizations could qualify for the state as a whole by presenting petitions signed by one-sixth of the voters in ten counties; or for a sub-division, by one-sixth of the voters therein.

says Chester H. Rowell,²⁴ "the convention system is dead forever. It committed suicide, and was rotten before it was buried! It now survives in only three states. . . . So far as universal usage can establish anything the direct primary is now the American system."

Variations
in practice

But the system does not prevail everywhere to the same extent; among the forty-six direct-primary states there are important deviations from the normal type of the state-wide mandatory law. Thus: (1) In six states (Alabama, Arkansas, Delaware, Georgia, South Carolina, and Virginia) the direct primary, though commonly employed, is optional, the party committees being left free as to the choice of the direct or indirect method, but being bound in either case by mandatory regulations.²⁵ (2) In several states the direct primary is optional for certain local offices, among which may be noted: county offices in fourteen counties of North Carolina; municipal offices in Florida; city and town offices in Massachusetts (the alternative there being nominations by petition). (3) In Indiana, Maryland, Michigan,²⁶ New York,²⁷ and South Dakota²⁸ state officers and United States senators are nominated by delegate conventions. (4) In Iowa, whenever the vote of the highest candidates in the primary falls below 35 per cent of the total vote for the office, the right of nominating the party candidate passes to the appropriate convention—state, district, or county; and South Dakota follows the same practice for the offices of governor, representative in Congress, and United States senator. (5) Colorado alone makes official use of the preprimary party convention to designate or endorse candidates for nomination at the primary. In Colorado, an assembly meets in each political area and takes "only one ballot upon candidates for each office to be filled at the ensuing election and within the juris-

²⁴ *Transactions of the Commonwealth Club of California*, Vol. XIX (1924), p. 564.

²⁵ Down to 1936 the direct primary was optional in Kentucky for state officers and United States senators. As in the case of Delaware, Southern states prefer to give the party committees a wide discretion; and, even when laws are mandatory, fewer restrictions are imposed than is usual in Northern states.

²⁶ In Michigan governor, lieutenant-governor, and United States senator are nominated by direct primary.

²⁷ Judges of the supreme court are nominated by judicial district conventions.

²⁸ In South Dakota the party convention nominates a candidate for governor, representative in Congress, or United States senator only in case no one received 35 per cent of the total vote for the office in the primary.

diction of such assembly." All such candidates receiving 20 per cent or more of the votes of the duly accredited delegates shall be placed upon the direct primary ballot in the order of the vote received in this assembly. After their names, appear in alphabetical order the names of persons getting on the ballot by petition. The preprimary convention formerly existed in Minnesota, South Dakota, and Massachusetts.²⁹ In Massachusetts the arrangement was confined to state-wide offices. A biennial convention—which also adopted a platform, elected certain members of the state committee, and nominated presidential electors—put forward what may be called an organization slate. (6) Judges are nominated by convention in Illinois and West Virginia.

With the exceptions that have been noticed, candidates for public office are nominated by direct primary.³⁰ Yet there are functions which cannot be performed by voters in a polling booth. For limited purposes, therefore, and especially to adopt the party platform state conventions are still held in accordance with legal requirements or party rules—biennially as a rule, but sometimes (as in Kentucky, Louisiana, Mississippi, and Wyoming) only in "presidential" years, when electors and delegates to the national convention must be chosen. In Iowa, North Dakota, Pennsylvania, and Oregon the state committee formulates the party platform.³¹ In thirteen other states this task is entrusted to a "party council" or "platform convention" consisting of candidates for state office and state legislature, some times with candidates for Congress and certain party committeemen added.³² Wisconsin, which was the first state to adopt this device, includes in its "platform convention" only candidates for state office and the state legislature, with hold-over senators besides. The "party council" of Arizona includes "candidates for United States senator, for representative in Congress, for a state office, for

Problem of
party plat-
form

²⁹ Abolished by Minnesota in 1923; South Dakota, 1929; Massachusetts, 1937.

³⁰ Presidential electors should be noticed as a further exception. They are nominated either by delegate conventions or by party councils (described in the text), but in Pennsylvania by the party candidate for President.

³¹ It is provided in the election law of Oregon that each party may have as many as twenty-four pages, at a cost of \$50 a page, in the publicity pamphlet that is sent to every voter, giving there "statements and arguments for the success of its principles and the election of its candidates."

³² The states are: Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, New Hampshire, New Jersey, Ohio, Utah, Vermont, and Wisconsin. In presidential years Ohio substitutes a delegate convention. The composition of "party councils" is discussed also in Chapter XIX, pp. 515-516.

state senator and for state representative, nominated by each political party at each primary, the national committeeman, the chairman and executive committee of the state committee, and the chairmen of the county committees." ³³ Ohio expressly excludes candidates for judicial office; Missouri does just the reverse. The party council has several obvious advantages over the delegate convention as the source of party principles and politics. Being a much smaller body, it can deliberate. Above all, it is a responsible body which, after framing the platform, will be required to justify its proposals before the electorate.

Survival of
national
convention

The national convention still survives. Twenty-five years ago there was some ground for believing that it would share the fate of the state conventions or, like the electoral college, become atrophied and meet only to register the choice of the party voters. The delegates, directly elected in the primaries, would be bound to nominate the candidate in accordance with the presidential preference vote of their states; they would go through the form of electing national committeemen who had already been nominated in the primaries; even the platform would be framed to suit the ideas which the presidential candidate had popularized in his pre-convention campaign. Why not recognize frankly, it was asked, the inconvenience of preserving such a moribund institution? Why not extinguish its feeble spark of life and let the new democratic impulse have full play? President Wilson proposed to Congress in 1913 that a national direct primary should take the place of the convention. But Congress showed no disposition to act on this proposal. The most ingenious search of the Constitution failed to dis-

³³ In New Jersey the "state convention" of each party, meeting each year, "shall consist of the following members: (1) the party candidates who have been nominated at the party primaries immediately preceding the convention for the office of member of assembly or state senator in each county of the state, or of the senate or house of representatives of the United States from this state; (2) the candidate of the party for governor nominated at the said primaries in the year in which a governor is elected, and in each year in which no governor is elected the governor of the state shall be a member of the convention of the political party to which he belongs; (3) members of the state senate belonging to the party who are holding office at the time of the state convention and whose successors are not to be chosen in the ensuing general election; (4) members of the state committee chosen as herein provided; (5) members of the senate and house of representatives of the United States from this state, belonging to such party, who are holding office at the time of the holding of the state convention and whose successors are not to be chosen at the ensuing general election."

cover an implied power which would justify such legislation. In 1921 a decision of the Supreme Court further discouraged any thought of action by Congress. While the federal government has full power to regulate elections in which its officers and, by court decision,³⁴ even presidential electors are chosen, the *Newberry* case^{34a} seemed to show that this power did not extend behind the election to the process of nomination. But twenty years later, in *U.S. v. Classic*,^{34b} the Court held unanimously that Congress might regulate primaries in which federal officers were nominated. By analogy, perhaps, Congress might regulate the national conventions.

Nor are the state legislatures a satisfactory substitute for Congress. Not that the convention is likely to flout the will of a state expressed in law—or in any other way; the Republican party has modified its rules so as to recognize the right of a state to require the election of delegates on a general ticket and the election of national committeemen—a right denied at first by the convention of 1912. But forty-eight state legislatures cannot do what Congress could do if it had the power, and the will to exercise the power. Supposing they all made similar provision for the election and instruction of delegates, there would, nevertheless,—in view of the number of favorite sons and of the sharp contest that so often occurs between leading contestants,—rarely be a clear majority for any candidate on the first ballot; and it is hardly conceivable that the state laws could, by uniform provisions, limit the discretion of the delegates and confine their choice, say, to the two highest candidates. At any rate nothing of the kind has been attempted. The conventions of 1912, like those held subsequently, showed the utter inadequacy of existing state laws to take from the convention its full liberty of action. With the decline of faith in the direct primary it seems unlikely that the states can be brought to enact uniform presidential-primary laws or that an amendment to the Constitution will permit Congress to take the matter in hand.³⁵

For faith in the direct primary has declined. In the second decade of the century the progressive movement passed its apogee. "He tires betimes who spurs too fast betimes." Enthusiasm cooled; the

³⁴ *Ex parte Yarbrough* (110 U.S. 651, 1884) and *Burroughs v. U.S.* (290 U.S. 534, 1934). Under the Constitution (I, 1 [2]) they are state officers.

^{34a} *Newberry v. U.S.*, 256 U.S. 232 (1921). See pp. 531 and 676 *infra*.

^{34b} 61 Sup. Ct. 1031 (May, 1941). See pp. 65 and 75 *supra*; p. 677 *infra*.

³⁵ The national convention is the subject of Chapters XX and XXI. On the points mentioned above see Louise Overacker, *The Presidential Primary* (1926).

Dissatis-
faction
with the
direct
primary

pace slowed down. In the ranks of the crusaders there was evidence of fatigue. Exhortation to free the holy places from the dominion of the infidel machine, words that once held a magic of inspiration, could no longer quicken faltering and reluctant footsteps. As men paused and looked upon the scene of their conquests with detachment, as they appraised their work in an atmosphere of reality and with an altered perspective, some at least felt a sense of disillusionment. The direct primary, like the initiative and referendum, has ceased to give the old emotional thrill; and those who unsuccessfully opposed it from the beginning have begun to find an audience for their criticisms. These criticisms will receive attention in another place. Here it is enough to say that, as presented by partisans of the convention system, they are not altogether convincing. Some rest on facts—for example the public expense involved in conducting the primary—which apply with equal force against the regulated primary-convention system; others on facts—for example, the lack of popular interest in the primary—which strike at the basic principle of democracy and might be used as an argument against elections of any kind; and still others on facts—for example, the lenient party test permitting invasion of the primary—which have to do with remediable and not inherent defects. The force of reaction, it is true, has been demonstrated in the reestablishment of the state convention in New York (1921) and South Dakota (1929); and in the repeal of the presidential primary laws in Iowa (1917), Minnesota (1917), Vermont (1921), Montana (1924), North Carolina (1927), Indiana (1929), Michigan (1931),³⁶ and North Dakota (1935). There seems to be little likelihood, however, of a general reaction. "To agree that the direct primary has its faults," says Chester H. Rowell,³⁷ "is not to concede that it should be abandoned. Least of all is it to conclude that we should go back to the old discredited, misrepresentative, irresponsible convention system. Whatever else may happen, we may be certain that no generation which remembers that system will ever revive it, and that no later generation, unhandicapped by tradition, would independently devise anything so crude." On the whole, experience supports this view. In

But little
likelihood
of a gen-
eral re-
turn to the
conven-
tions

³⁶ The presidential preference vote was abolished. Delegates to the national convention may now be chosen in whatever way the state central committee decides. In 1935 and 1940 the referendum was successfully invoked in Oregon against the legislative repeal of the presidential-primary law.

³⁷ *Transactions of the Commonwealth Club of California*, Vol. XIX (1924), p. 564.

the past twenty years the voters of Maine, Montana, and Nebraska have defeated proposals to restore the convention system; and the voters of Ohio, a constitutional amendment that would have permitted the legislature to restore it.³⁸ In 1932 Idaho abandoned the state convention. On the other hand, South Dakota adopted it in 1929.

Whatever may be the defects of the direct primary, the people are not inclined to turn back to a discarded nominating method which, even though its alleged virtues may not be altogether imaginary, has the appearance of being less democratic. There is a tremendous sentimental appeal in that word "democratic"; the direct primary is taken as a symbol of the capacity of the people to look after their own affairs without the help of intermediaries. Charles Evans Hughes, a most thoughtful and informed advocate of the system, has stated its advantages in this way: ³⁹ "*First*, it places a weapon in the hands of the party voters which they can use with effect in case of need. They are no longer helpless. This fact puts party leaders on their best behavior. It is a safeguard to the astute and unselfish leader who is endeavoring to maintain good standards in line with public sentiment. It furnishes a disposition not to create situations which are likely to challenge a test. *Second*: The fact of this control gives to the voters a consciousness of power and responsibility. If things do not go right they know that the trouble lies with them. The importance of this assurance should not be overlooked in any discussion of the apathy of the electorate. The fact that the voters know that they are in control, that the machinery of nomination is not so contrived as to render them virtually powerless, but that they may assert this will immediately if they choose, is of the utmost importance in securing the foundations of a sound and stable democracy, with rational progress, and in protecting us against the assaults of those who would undermine all orderly government by fomenting bitterness of feeling by reason of the belief that our system favors government by a privileged class. . . . I regard a proper direct primary system as an essential complement of the short ballot."

Two fundamental advantages of the direct primary

This argument cannot be regarded lightly. In the circumstances of our political life to-day it is as cogent as were the claims made for the convention system when it displaced the legislative caucus

³⁸ Nevada abandoned the direct primary in 1915 and restored it in 1917.

³⁹ "The Fate of the Direct Primary," *National Municipal Review*, Vol. X (1921), p. 25.

Its inadequacy as a cure for machine politics and popular indifference

a century ago. But the question must remain as to whether the direct primary is the only means or the best means of giving the voter a weapon against machine politics and a sense of responsibility. Is all this intricacy and complication necessary? ⁴⁰ If it is, if there must be a preliminary election in each party to select the candidates, logic would require a preprimary election, again under public supervision, for each faction of the party. Twenty years ago South Dakota did, in effect, take this forward—or backward—step. Incredible as it may seem, preparations for the biennial election began a whole year in advance and involved two sets of primaries, in November and March.⁴¹ The South Dakota law, which was repealed in 1929, recognized the fact that a preliminary understanding is no less essential to factions within the party before the primary than to the party as a whole before the general election. From the standpoint of popular control the problem of the primary is identical with the problem of the election. There is bound to be concerted action of some kind before the primary. The machine at least will prepare its slate and marshal its supporters. Those who believe that the direct primary has weakened the machine or banished corruption or elevated public life are taking a superficial view. If the standards of politics, like the standards of business, have noticeably improved, the causes of this improvement will be found in an awakened public conscience rather than in the mechanical devices of legislation. The direct primary may have served as a rallying-point in the fight against entrenched oligarchy. The faith that it inspired may have contributed powerfully towards raising the tone of political manners. But as a permanent remedy for popular indifference and for machine politics its efficacy is open to doubt. The worst feature of

⁴⁰ Bryce, with his usual aversion to overstatement, was content to observe (*Modern Democracies*, Vol. II, p. 130) that it "strikes Europeans as a surprising departure." An American tourist, calling upon a Scandinavian editor in 1914, found him deep in the pages of La Follette's autobiography and amazed at the fierce and prolonged conflict that turned on the system of nominations. In Europe nominations present hardly a problem of any sort.

⁴¹ In November the party voters sent delegates (proposal-men) to county conventions (proposal meetings), which in turn sent delegates to the state convention. After the state convention had designated majority and minority candidates and programs, the county conventions met again and performed a like function for the counties. In the March primary the voters had before them these proposals of men and measures, together with others put forward by petition (that is, supported by a given number of signatures). Some of the more grotesque features of the so-called Richards direct primary law were repealed in 1921; the rest of it in 1929.

our election system is its complexity, the intolerable burden it puts upon the voter; and that burden has been aggravated by the various contrivances of direct democracy. Effective reform must move towards simplification. The first requisite is to confine the process of election to policy-determining officers and, as in other countries, have all administrative officers appointed. With or without that reform, there is, of course, no reason to believe that the direct primary will stand as a final solution. The delegate convention, hailed as a perfect thing, lasted more than two generations and then passed away.

Whatever takes the place of the direct primary will probably come as the result of gradual adjustment and local experiment. Such was the case with the rise of the convention system and, afterwards, of the direct-primary system. What are some of the possibilities? (1) To keep the primary as a weapon held in reserve, as a gun behind the door, party committees or conventions recommending candidates and the party voters accepting these when satisfactory, but always having the power to substitute others. This plan was strongly urged, in 1921, by Charles Evans Hughes.⁴² It would place responsibility upon the organization and greatly reduce the number of contests in the primary, making them the exception rather than the rule. The party committees or conventions would know that they must meet the wishes of the majority; they would be on their good behavior. South Dakota (1917-1929), Minnesota (1921-1923), and Massachusetts (1932-1937) made use of preprimary conventions,⁴³ as Colorado still does. According to the Colorado plan, "assemblies" or conventions meet in the various electoral areas and cast one ballot for each office; and the names of all persons who receive 20 per cent of the vote appear on the primary ballot in a favorable position. (2) To modify the character of the primary so that it would become a preliminary election in which parties would not be recognized and the weaker candidates would be eliminated. This is called the nonpartisan primary.⁴⁴ Those receiving the highest and second-highest vote become candidates in the regular election; in some cases (under the California

Possible future developments

(1) Designating committees or conventions

(2) Non-partisan primary

⁴² See "The Fate of the Direct Primary," cited above, p. 355.

⁴³ For South Dakota see note 41 *supra*. In 1935 proposals for the establishment of preprimary conventions were defeated in Kansas, Maine, and Ohio. More recently, several state legislatures have shown an interest in such conventions.

⁴⁴ R. E. Cushman, "Non-partisan Nominations and Elections," *Annals of the American Academy*, Vol. CVI (1923), pp. 83-96.

(3) Nomination by petition

law, for example) the candidate is declared elected if he receives a clear majority of the vote in the nonpartisan primary. The system resembles the one that was widely used in Europe before the first world war, a second election being held if no candidate received a majority in the first.⁴⁵ It developed chiefly in the West twenty-five years ago, being applied to municipal, county, and judicial offices.⁴⁶ To call it a nonpartisan primary is absurd. It is nonpartisan only in the sense in which all English elections are; for in England, while the candidates are known as party nominees, the party name does not appear on the ballot. The nonpartisan primary is, from a realistic viewpoint, simply a first election held for the purpose of eliminating the weaker candidates and making sure of a majority choice in the second election; but the parties, while not permitted to have their names or symbols printed on the ballot, are left absolutely free to bring forward their candidates in any way they choose—as free as they were before the fever of legislative regulation of parties began. (3) To do away with primaries altogether—in name as well as fact—and have all candidates nominated by petition. This plan, which is being accomplished indirectly through the so-called nonpartisan primary, has been put into direct operation in various cities, including Boston, and in Wisconsin for local, school, and judicial offices. It has the advantage of simplicity. There is no need to require, as in Boston, thousands of signatures to the nominating petition rather than the ten required in England. Any danger of a considerable number of candidates coming forward can be obviated by imposing a fee, which would be returned after the election in the case of those polling a stated percentage of the total vote.⁴⁷

Either nomination by petition or the nonpartisan primary might be brought into general use. The former, if it proves satisfactory

⁴⁵ The same result—i.e., election by majority instead of plurality—could be obtained by doing away with the preliminary election or nonpartisan primary and using a second-choice or alternative-vote ballot. Unfortunately experience has shown that in this country voters are not inclined to express a second choice. See pp. 509–511 *infra*.

⁴⁶ The sixteen states in which it is used for judicial nominations are all in the West and Middle West. See Chapter XVIII, p. 480.

⁴⁷ The exaction of such a fee would discourage frivolous candidatures, but would handicap a poor man less than the present cost of campaigning under the direct primary. As a matter of fact, half the states now require fees from candidates in the primary, these rising as high as \$270 for state-wide offices in Maryland. In Great Britain a candidate for the House of Commons deposits a sum of £150, which is returned to him if he polls one-eighth of the total

for municipal offices, must be an appropriate method of nomination for any offices. Its effect is to do away with primaries altogether; but before the election the parties would naturally select their standard-bearers, as any other voluntary associations might do, and place their names upon the ballot by petition. The nonpartisan primary is also capable of indefinite extension; in Minnesota since 1913 and in Nebraska since 1935 it has been applied to legislative offices.⁴⁸ Its effect is to abolish the direct primary, because, notwithstanding its name, it is really a preliminary election in which the candidates of all parties appear without the party label; and the parties may proceed to nominate these candidates in any way they prefer, just as they did in the old days as voluntary associations. In a word, either of these systems would serve to nullify the whole mass of legislation regulating party affairs; it would liberate the parties, swing them around full circle to the position they occupied sixty years ago. What the ultimate development will be no one can foretell. The one certain thing is that the direct primary, as originally conceived, will not stand. Under easy tests of party affiliation members of the minority party tend to enter the primary of the majority party, where the real decision is reached. Thus in a good many states where one party is dominant, as the Democratic party is in the Solid South, the primary tends to take on the character of a preliminary election; and for this reason a drift to the nonpartisan primary (so-called) is not an impossible eventuality. On the other hand, the nonpartisan primary still remains a Western institution; and, except in cities that have adopted the commission or city-manager plan, it has made little progress in the past twenty years.

The restoration of parties as voluntary associations

Custom is, generally, more powerful than statute. Party leaders and party committees may exercise control outside the domain of law. They adjust rivalries, reach harmony through compromise, and put forward a slate that will sweep the primary in default of any real opposition. No one thought much about the future primary when, in August, 1941, the five Democratic leaders of New York City agreed upon a slate, and the leaders of the fusion movement did likewise.

vote. In Canada the fee of \$200 is returned if he polls half as many votes as the successful candidate.

⁴⁸ In 1923 a North Dakota statute extended the nonpartisan system to state officers and members of the legislature. But this statute, having been referred to the people, was rejected by a vote of 66,621 to 55,914 in March, 1924.

Chapter XIV

NATIONAL PARTY EXECUTIVES

Importance of party committees

There are two successive phases in the struggle for control of the government: the first has to do with the process within each party, culminating in primaries and conventions, by which some sort of agreement is reached in the selection of candidates; the second sees the parties arrayed against each other in the effort to secure a favorable verdict from the electorate. It is not the candidates alone, or even chiefly, who conduct the election campaign. That vital function rests with the committees. Party organization, therefore, may conveniently be viewed in two aspects. On the one hand, we have the primaries and conventions, instruments which are employed only at intervals and have no continuous existence; and, on the other hand, the party executives, the permanent committees, which, though most active in the campaigns, are constantly preoccupied with the affairs of the party. Now that the primary is regulated by law and assimilated to the general election, the committees have, in theory at least, little to do with the making of nominations; but, notwithstanding the polite doctrine that they should stand above faction and act in the common interest, their influence in the pre-primary campaign is sometimes decisive.¹ From the standpoint of the law or party rules the committees are charged with the management of party affairs. Their power as a directing agency, however, is often more formal than real. The word of command may be spoken, not by the committee or even its chairman, but by some individual on the outside who has come to be recognized as the party leader.

In the field of national politics Republicans and Democrats alike have three committees: congressional, senatorial, and national.² The Republican national congressional committee originated during the conflict between President Johnson and Congress.³ Members of both

¹ Captain Harding, executive secretary of the Democratic congressional committee, writes me (July 19, 1938) that "the Committee takes no part whatever in primaries."

² The Socialists have only a national executive committee of 13 members and a national action committee of 7, appointed by the former.

³ Jesse Macy, *Party Organization and Machinery* (1904), pp. 87-95.

Congressional
and senatorial
campaign committees

houses, believing that the national committee was too much subject to executive influence and could not be relied upon to promote their interests in the elections of 1866, set up what appeared for the moment as a rival body. Then, and for long afterwards, it was chosen at a joint caucus of Republican senators and representatives.⁴ Only with the appearance of a separate senatorial committee in 1916⁵—this being established to meet the new situation brought about by the direct election of senators—did it become the instrument of the House caucus alone. The committee now consists of one member from each state which has Republican representation in the House, he being nominated by the state delegation and elected by the caucus for a term of two years. The same holds true of the Democratic committee; but in its case the chairman may (but never does) appoint a female member for each state and also fill all vacancies, that is, appoint a member for any state which has no Democratic representation in the House. The congressional committees are concerned exclusively with the election of representatives. For forty years or more they possessed no effective organization; they awoke to activity only with the opening of the biennial campaign.⁶ Nowadays,⁷ as soon as one election is over they are preparing for the

⁴ The Democratic Congressional Committee, originating in the 'seventies, included nine senators chosen by the Senate caucus and a member for each state chosen by the House caucus.

⁵ The Democratic senatorial committee was organized in 1918 on the initiative of the national committee. *Proceedings* of the 1920 convention, p. 475.

⁶ Perhaps this is an overstatement. Ostrogorski wrote at the beginning of the century: "The committee does not remain inactive in the interval between the elections; it follows the fortunes of the party in the districts attentively; it analyzes the vote at each succeeding election by counties; and if it notes a fall in the number of votes polled by the candidate of the party, it makes an enquiry into the causes. Perhaps the fault lies with the factions which are devouring each other, or the candidate is not a popular one, or the policy of the party is creating discontent, or the rival party is employing too energetic and too persuasive methods of propaganda. The congressional committee interposes to smooth down these difficulties. It is in constant relations with all the county committees in the Union; the latter point out to it the special steps necessary to retrieve the fortunes of the party in their congressional district, and in general make the congressional committee the confidant of their troubles." *Democracy and the Organization of Political Parties* (2 vols., 1902), Vol. II, p. 284.

⁷ The reorganization of the Republican committee dates from 1913. Except that the delegate from Alaska sits on the Democratic congressional campaign committee, states only are represented. The committees organize soon after the opening of each Congress. Miss Harriet Root, Chief of the United States Information Service, has supplied my data (August 14, 1941).

next. They maintain, at their Washington headquarters, a small permanent staff which is at all times closely in touch with party workers throughout the country. On the basis of the election returns and of tendencies that manifest themselves after election the committee classifies congressional districts into three categories: Republican, Democratic, and doubtful. Where one party or the other has an overwhelming preponderance intervention would be unnecessary or hopeless. It is upon the doubtful districts that the committee fixes its attention. The Republican senatorial campaign committee consists of such members as the senators belonging to the party select, the chairman being a senator not up for reelection;⁸ the Democratic national senatorial committee, of five members, is appointed for two years by the Democratic leader of the senate after consultation with the candidates for reelection.⁹

Their
relations
with the
national
committee

The congressional and senatorial committees cannot be regarded, in any formal sense, as subordinate to the national committee. They are connected with it only by the bond of a common partisanship. Representing the legislative branch of the government, they might even feel at times, as in 1866, the impulse to take a quite independent line. There are, however, circumstances of a practical nature which ensure at least a close and cordial coöperation. These become apparent in presidential years, when national issues are supreme and public interest concentrates upon the struggle for possession of the chief magistracy. Every other campaign—senatorial, congressional, gubernatorial—takes its tone from the presidential campaign; every other party candidate finds his fortunes involved with those of the presidential candidate. The national committee dominates the situation. Exhausting, in the collection of the large campaign fund, sources which in off years supply the other committees, it thereby becomes the object of general solicitude, for where the treasure is there shall the heart be also. The nature of this financial hegemony was shown by evidence before a Senate investigating committee in 1920.¹⁰ *"The Chairman:* Loans to the senatorial campaign committee—what can you tell us about that? *Mr. Upham* [treasurer, Republican national committee]: I have had no conference with the senatorial committee, personally, with the exception of a talk with Senator

⁸ Letter from E. A. Halsey, secretary of the Senate, August 5, 1941.

⁹ *Ibid.*

¹⁰ *Presidential Campaign Expenses: Hearings before a Sub-committee of the Committee on Privileges and Elections, United States Senate, 66th Congress (1921).*

Poindexter; and my understanding is that we are to loan the senatorial committee up to \$200,000. *The Chairman*: By the way, how much are you to loan the congressional campaign committee? *Mr. Upham*: \$500,000."¹¹ The Democratic arrangements were somewhat less definite. "*The Chairman*: Do you coöperate with the national committee? *Mr. Flood* [chairman, congressional committee]: I do. *The Chairman*: And do you go out and raise money separately? *Mr. Flood*: I hadn't done so, but I have received voluntary contributions for which I account to the national committee, and they are, as I understand it, to finance the committee. *The Chairman*: Have you any budget? *Mr. Flood*: We have not. *The Chairman*: Or any estimate of what you expect to raise and spend? *Mr. Flood*: We expect to spend a good deal in printing if the national committee will furnish us the money, and we expect the national committee to take care of any speakers' expenses that we have to incur. Of course, we do that by conference with them."¹² During the last two decades the congressional and senatorial committees have established very intimate relations with the national committee. "Their work and ours," the Democratic national chairman declared in 1924,¹³ "has been virtually merged now, with the most satisfactory results." Even in off years—that is, the even-numbered years between presidential elections—the chief burden of the campaign falls upon the staff of the national committee; a circumstance that minimizes duplication of effort. In 1938 the Republican national committee contributed \$500,000 to the congressional committee, \$175,000 to the senatorial.

The national committee of both parties includes one man and one woman from each of the forty-eight states and from the District of Columbia, Alaska, Hawaii, the Philippines, Puerto Rico, and, in the case of the Democratic party alone, from the Virgin Islands and the Canal Zone.¹⁴ The female element was added by the Democrats

The
national
committee:
how
chosen

¹¹ *Hearings*, p. 1199.

¹² *Ibid.*, pp. 1181-1182.

¹³ *Proceedings* of the convention of 1924, p. 1092. For a time the secretary of the Democratic congressional committee received his salary from the national committee. That arrangement no longer exists. The two committees now function separately.

¹⁴ The committee of the Socialist party, styled national executive committee, consists (1941) of a national chairman and twelve members, one of them representing the Young People's Socialist League. They must have belonged to the party for two years. Along with seven alternates, they are elected by the national convention, in which each delegate has a number of votes corresponding to the strength of the party in his state. *Constitution*, Article IV.

before the ratification of the Nineteenth Amendment¹⁵ and by the Republicans four years later.¹⁶ From the time of its origin¹⁷ the national committee was regarded as the instrument of the national convention, which elected its members and defined its powers. For a time, however, the rapid extension of the direct primary threatened to deprive the convention of all real freedom of choice. The states began to provide by law for the election of committeemen at the primary; and state laws came into conflict with the national party rules. In 1912, when the Republican party was rent by schism, a test case arose. When the national committee was settling contests and preparing the temporary roll of delegates for the convention, a Roosevelt adherent from the Middle West asserted his right, by virtue of election at the primary, to take his seat upon the committee and thus displace the member who had been elected by the convention of 1908. His claim was rejected. But to avoid serious future complications the convention of 1912 deemed it advisable to modify and restate its practice: "When state laws provide for the election of a National Committeeman, such election shall be considered a nomination to be carried into effect by the delegation from said state."¹⁸ In 1916 there was added a provision to the effect that, in the absence of a state law, the delegates should be bound by any instructions of state or district conventions.¹⁹ The convention, while it thus gave effect to the primary vote, vindicated its own final authority by adhering in form to the old procedure—under which the delegates from each state nominate their committeeman and the whole convention elects—and by providing further that the term of all committeemen should begin ten days after the adjournment of the convention. The rule stands in that form to-day. The Democrats

¹⁵ *Proceedings* of the 1920 convention, pp. 88 and 93.

¹⁶ *Proceedings* of the 1924 convention, pp. 93-94. The Republican convention of 1920 did authorize the addition of women to the executive committee of the national committee.

¹⁷ In the Democratic party the establishment of the committee dates from 1848. Edward Stanwood, *A History of the Presidency* (2 vols., 1916), Vol. I, p. 232. The Republican party has had a committee from 1856. See G. S. P. Kleeberg, *The Formation of the Republican Party* (1911), pp. 191-223.

¹⁸ *Proceedings* of the 1912 convention, p. 337. The rule now reads: "When the law of any State provides a method for the selection of members of the National Committees of political parties," etc. *Proceedings* of 1940, p. 109. This rule does not, however, prevent the recurrence of the situation of 1912, when a holdover committee organized the convention in favor of a minority candidate.

¹⁹ *Proceedings* of the 1916 convention, p. 69. Now Rule 25. *Proceedings* of 1940, p. 109.

were fully mastered by the progressive movement in 1912. They did not confine themselves to recognizing the force of state laws. In the platform of that year and in the call for the 1916 convention they provided that, when state law did not otherwise direct, national committeemen should be elected at primaries, conducted under party rules, and that "the authority and service of committeemen, however chosen, shall begin immediately upon receipt of their credentials." This rule was never enforced.²⁰ Enthusiasm for primaries waned. The convention of 1916 adopted, and succeeding conventions reaffirmed, a more conservative practice.²¹ Committeemen are now "selected in the manner prescribed by the laws of their respective states and territories; and where there shall be no statutory provision, that method of selection shall be pursued which conforms to the established party customs and precedents, or to the regularly adopted party rules and regulations."²² All such selections, except where contests exist, shall be acted upon by the Democratic National Convention, and the members of the Committee whose selection is ratified and confirmed shall hold office until the adjournment of the next succeeding National Convention, or until their successors shall be chosen."²³

The practice of both parties, then, is very much the same. Both provide that the committeemen shall be nominated by the state delegations and elected by the convention; and that the delegations shall be bound by state law, where it exists, or by instructions from the local party organizations. Few states have concerned themselves with the matter. Sentiment in favor of direct election at the primary has all but disappeared. A cursory review of the statutes discovers only Florida (at option of state committee), Nebraska, North Dakota and Oregon still faithful to it. New Jersey, Pennsylvania, and West Virginia entrust the nomination to the state committee, as do the party rules in several states; Idaho, to the state convention; Michigan, to the

Similar arrangements in both parties

²⁰ In December, 1915, the national committee refused to recognize, in place of the sitting member, a claimant from Oregon who had received from the governor his certificate of election in June of the preceding year. *Proceedings* of the 1916 convention, pp. 194 *et seq.*

²¹ *Proceedings* of the 1916 convention, p. 148; *Proceedings* of the 1924 convention, p. 222.

²² See *Proceedings* of Democratic convention of 1936, p. 305, for a dispute over the election of committeemen from Arizona. By local custom of the party, it seems, the nomination rested with the state committee. The state delegation refused to be bound.

²³ *Proceedings* of the 1940 convention, p. 247.

delegates at the national convention. Both parties provide that the national committee shall fill any vacancy in its membership upon nomination by the appropriate state committee.²⁴ There is another question affecting the membership of the committee that might assume importance in a time of bitter factional conflict within the party. A defeated faction might refuse to support the presidential candidate and the platform; and the members of the national committee belonging to that faction might give aid and comfort to the enemy. In such a case, with or without specific authority, the committee would be justified in taking drastic action: self-preservation is a fundamental right. Thus, in 1896 the Democratic national committee expelled the members from Massachusetts and Pennsylvania, who were opposed to the presidential nominee, William Jennings Bryan. The party rules then, as now, conferred upon the committee no such disciplinary power.²⁵ A similar situation confronted the Republican party in 1912. In that case the national convention authorized the committee to remove any members who declined to support the candidates.²⁶ Subsequent conventions have maintained the rule.²⁷

Functions
of the
committee

The national committee, as the history of its origin shows, was brought into being for the purpose of directing the presidential campaign.²⁸ Its chief rôle still is that of a general staff charged with the command of the party forces in the decisive quadrennial struggle. It meets shortly after the adjournment of the convention which appointed it, accepts as chairman a person selected by the presidential candidate, and gives the chairman blanket authority to complete the organization.²⁹ In its collective capacity the committee rarely

²⁴ In practice a person nominated by the state committee begins to function as a member even before the national committee meets and ratifies the nomination.

²⁵ J. A. Woodburn, *Political Parties and Party Problems* (2d ed., 1914), pp. 300-302.

²⁶ *Proceedings* of the 1912 convention, p. 337.

²⁷ *Proceedings* of the 1924 convention, p. 95. *Proceedings* of 1940, p. 110. Both parties authorize the national committee to fill vacancies in the ticket (candidates for President and Vice-President), caused by death, declination, or otherwise. The Republicans provide further that in such a case the members representing each state shall have the same vote that the state has in the convention and that "in its judgment" the committee may call a special national convention. *Proceedings* of 1940: Democratic, p. 250; Republican, p. 340.

²⁸ Kleeberg, *op. cit.*, p. 192.

²⁹ Thus, after the election of chairman, vice-chairmen, secretary, treasurer, and other officers, the Democratic committee in 1940 authorized the chairman

takes effective action of any kind.³⁰ It is the chairman who, absorbing the powers of the committee, plans everything, decides everything, assumes all responsibility. Having met once and elected its officers, the committee may not meet again till within six or seven months of the close of its four-year term. In January of the presidential year, or in the preceding December, it discharges a secondary function with which the party rules have endowed it. At this time the "call" for the national convention is issued. As the number of delegates has been fixed in advance by the party rules³¹ and as the approximate date of the convention has been settled by custom, the committee performs only a ministerial function. It is entirely free, however, in choosing the city in which the convention is to be held; and its decision, as will be shown later, may have some influence upon the fortunes of those who are contending for the presidential nomination. The committee meets once more shortly before the opening of the convention. It proceeds to examine the credentials of the delegates—these having been mailed to the secretary some weeks in advance³²—and to adjudicate upon all contests, that is, all cases in which rival delegations appear, each claiming to have been regularly elected. To-day a considerable number of Northern states prescribe by law the methods by which the delegates shall be chosen; a certificate of election from the proper state authority cannot be questioned.³³ Contests are relatively infrequent. In 1924,

to appoint such officers and committees as he might from time to time deem necessary. *Proceedings* of the 1940 convention, p. 370.

³⁰ When the committee does actually meet, its decisions are prepared by a small group and accepted as a matter of course. Occasional protests are made. Thus Mr. Patrick Quinn, Democratic committeeman from Rhode Island: "On general principles we ought to be able here in this committee to go on and elect our officers. I say . . . that it is not complimentary to the men and women of this organization, many of whom have served many years upon the committee, to tell us that there are matters of concern that somehow or other have got to be shielded from us and that have got to be handed up to us in prepared form. I resent it, Mr. Chairman. Starting out now, I resent it. If the idea is to begin to hand in something to this committee by a sub-committee, and then to adjourn this committee never to meet again until after John W. Davis shall have been elected President of the United States, as has been the custom, I say it is wrong." *Proceedings* of the 1924 convention, p. 1213.

³¹ The Democratic committee is permitted to determine the representation of the territories and insular possessions, but sometimes subject to recommendations that are virtually commands. *Proceedings* of 1940, p. 250.

³² Twenty days before the meeting of the convention, according to the Republican rules. *Proceedings* of the 1940 convention, p. 105.

³³ This is stated expressly in the Republican rules. *Ibid.*, p. 109.

notwithstanding the keen competition for the Democratic nomination, there were no contests; in 1936 there were thirty-eight, involving Minnesota, Puerto Rico, and the Canal Zone; in 1940, twelve.³⁴ The Republican party suffers from its somewhat disreputable character in the Solid South, where lily-whites struggle with black-and-tans for control of the organization. In 1924 contests affected the delegations from five states in that region, from the border state of Tennessee, and from the District of Columbia;³⁵ and in 1940, when fifty-four seats were in doubt, forty-six of them belonged to the Solid South and three to the Border.³⁶ Under the circumstances, the power of making up the temporary roll of delegates, of determining who shall vote in the convention when the right to permanent membership is finally decided, may give the national committee control of the convention; but only, as in 1912, when factional feeling runs so high that the most elementary principles of justice are overridden and when the change of a few votes will give one side or the other a majority.³⁷

Subordinate to the convention

The national convention is the supreme representative of the party, a constituent body formulating the principles of the party and declaring its will. The national committee possesses only subordinate and derived authority. It must be careful to respect both the rules which its superior lays down and the unwritten customs which have acquired a scarcely less potent force. Any usurpation, even in small matters, provokes resentment; the convention almost invariably reasserts its power.³⁸ Thus in 1904, when the Republican committee increased the number of Hawaiian delegates from two to six, the convention, while seating the delegates, ordered an observance of the rule in the future.³⁹ Sometimes the committee is faced

³⁴ *Proceedings*: 1936, p. 96; 1940, p. 76.

³⁵ *Ibid.*, 1924, p. 51.

³⁶ *New York Times*, June 20, 1940. In 1936, when fifty-seven seats were contested, forty-eight belonged to the Solid South, four to the Border. *Ibid.*, June 4 and 7, 1936; *Proceedings* of 1936, pp. 50-51.

³⁷ This subject is discussed early in Chapter XXI (pp. 560-562).

³⁸ There seems to have been no complaint when in the call of 1864 the national committee substituted "Union" for "Republican" as the party designation; the circumstances of the time justified the change. In the call of 1868 the party name appears as "Union Republican," still without the authority of the convention.

³⁹ *Proceedings* of the 1904 convention, p. 128. In the call for the Republican convention of 1936 the national committee omitted delegates from the Philippines, because an act of Congress in 1934 had provided for the future independence of the islands. Nevertheless, two delegates put in an appearance and were placed on the temporary roll. *New York Times*, June 7, 1936. The com-

with a situation that seems to require the exercise of original authority.⁴⁰ Such a situation arose after the Republican catastrophe of 1912. It was imperative to change the basis of representation in the convention, to reduce the number of delegates coming from the "rotten boroughs" of the Solid South; without affronting progressive opinion and precipitating a further schism the reform could not be delayed.

The committee, being obviously without power and yet unwilling to call a special national convention, hit upon the ingenious device of referring its plan to state conventions, the plan to become operative when ratified by states entitled to cast a majority of the votes in the electoral college.⁴¹ Ratification was secured in that way. The South (including Tennessee) lost seventy-eight delegates. But the reform, though accepted by the convention of 1916,⁴² did not go far enough. The convention of 1920 directed the national committee to adopt, within twelve months of the adjournment of the convention, "a just and equitable basis of representation."⁴³ The committee complied.⁴⁴ Once more the Southern states lost delegates. As the presidential year approached, however, and the adherents of President Coolidge laid plans for his nomination, they began to feel that the hand-picked Southern delegates, always subject to control by the administration, would be sorely missed. In December, 1923, notwithstanding the specific injunction that had been laid upon it, the committee rescinded its earlier decision.⁴⁵ Southern representation was actually increased over the figure for 1920, though Northern states gained at the same time. Curiously enough no word of complaint was uttered in the convention of 1924; without debate of any kind the new rule of apportionment was applied to future conventions;⁴⁶ and yet this was a clear case

Yet initiative taken at times

mittee on credentials and the convention sustained the national committee. *Proceedings* of 1936, pp. 50-51.

⁴⁰ For example, see previous note.

⁴¹ *New York Times*, December 18, 1913.

⁴² *Proceedings* of the 1916 convention, pp. 73-74.

⁴³ *Proceedings*, 1920, p. 232.

⁴⁴ *New York Times*, June 8 and 9, 1921.

⁴⁵ *New York Times*, December 12 and 13, 1923. The ostensible reason for this change of front was that the resentment of Southern Negroes would be shared by their brethren in the North, who, deserting the Republican party, might give the control of certain doubtful states to the Democrats.

⁴⁶ *Proceedings* of 1924, p. 90.

of usurpation. An interesting departure from precedent occurred in February, 1919, when the Democratic committee authorized the chairman to appoint one woman from each state as an "associate" member of the committee.⁴⁷ It already seemed probable that women would receive full suffrage rights, by federal amendment, before the election of 1920; and the act of the committee, if it did in any way transcend the committee's formal powers, could be justified by its tactical advantage in circumstances that had not been foreseen.⁴⁸ The Republican committee proceeded in much the same fashion four years later. After a consultation between its chairman and President Harding a woman from each state was added as "advisory" member.⁴⁹ The Democratic convention of 1920 and the Republican convention of 1924 gave the women full membership on a footing of equality with the men.

Its
activities
continuous

In the interval between its meetings, though the committee may seem to be dormant, its work proceeds without interruption.⁵⁰ Each member is active within his own state. The chairman and his aides travel extensively, maintaining in this way a much closer contact with state and local committees than an exchange of letters would permit.⁵¹ The Washington headquarters are never idle. After the

⁴⁷ *Proceedings* of the 1920 Democratic convention, pp. 498-506.

⁴⁸ Senator Jones of New Mexico expressed his views of the committee's powers as follows: "It so happens that between the national conventions very important questions arise affecting the welfare of the Democratic party, and it is in my judgment for this committee to take cognizance of questions of this character arising between conventions. There must of necessity be delegated to this body, which represents the party, the authority to deal with such questions." *Ibid.*, p. 507.

⁴⁹ *New York Times*, June 9, 1923.

⁵⁰ The activities of the Democratic committee have been described on some occasions in the reports of the chairman and bureau chiefs. See *Proceedings* of the 1920 convention, pp. 475-498, and of the 1924 convention, pp. 1090-1107. In the appendix to the *Proceedings* of each Democratic convention (for example, 1940, pp. 278-381) appears the stenographic report of the meetings of the national committee. For the Republican committee there is, unfortunately, no published record. The scope of activities is suggested by the large expenditures that the national committees made between the last two "presidential" years: Democrats, \$1,461,273 in 1937, \$1,039,834 in 1938, and \$736,709 in 1939; Republicans, \$632,186 in 1937, \$1,578,296 in 1938, and \$737,188 in 1939. Louise Overacker in the *American Political Science Review*, Vol. XXXV (1941), p. 704.

⁵¹ Thus, in an "off" year the Democratic chairman, often accompanied by members of the staff, traveled 24,000 miles and visited fifty-four large cities. *Proceedings* of 1920, p. 531.

close of the presidential campaign, it is true, expenses are severely pruned and the staff reduced—to “a skeleton” of some forty employees by the shattered Republicans in 1937; from some five hundred to fifty or seventy-five by the victorious Democrats.⁵² The Republican committee, according to one observer,⁵³ seemed to spin itself into a cocoon, but burst into new activity with the approach of the congressional elections of 1938. In the meantime, however, the staff had been engaged in continuous research, providing senators and representatives with material for use in committee and in debate; and also in the effort to finance local activities as well as national, besides paying off a large part of the deficit incurred in the campaign of 1936.

Prior to the first administration of President Wilson the Democratic headquarters were not kept open in off years.⁵⁴ “It was,” said a member of the committee in 1919,⁵⁵ “the custom of this body immediately after the presidential election had passed—and the custom seemed to prevail whether we succeeded, as we did in Cleveland’s time, or lost—of going out of business in a week or two, just as soon as we could pay up the bills, and indeed sometimes we went out of business before we did that.” The victory of 1912 introduced a portentous change. It was now considered a vital necessity to employ the resources of the national committee on behalf of the party candidates for both houses of Congress and for the office of governor in off years. The isolated campaigns were drawn together; they were given the character of a national party effort to retain or secure control over Congress and open the way to a presidential victory two years later. During the months that preceded the congressional elections of 1918 some 200,000 personal letters were despatched from the Democratic headquarters at Washington to local committeemen.⁵⁶ “We spent in that campaign,” the treasurer reported,⁵⁷ “about twenty times as much as the congressional and senatorial committees have ever spent before in an off election.

Democratic
achievements after
1912

⁵² Letters from the Republican national committee of June 29, 1938, and the Democratic of June 16, 1938. “Between campaigns,” according to the latter, “the staff devotes the greater amount of its time to the maintenance of contacts between organization heads and groups and the preparation of appropriate literature to combat propaganda from the opposition.”

⁵³ Cleaves Jones in the *Los Angeles Times*, January 23, 1938.

⁵⁴ *Proceedings* of the Democratic convention of 1924, p. 1091.

⁵⁵ *Proceedings* of 1920, p. 468.

⁵⁶ *Ibid.*, p. 477.

⁵⁷ *Ibid.*, p. 489.

My information is that the greatest amount of money that has been spent by a congressional committee, including all expenditures, in any other off year, was a little less than \$35,000. We spent last fall something over \$665,000." In 1922 the Democratic committee prepared a campaign text-book which was furnished without charge to all members of the party organization, to all speakers listed at headquarters, and to all daily and weekly newspapers. "We kept in touch with conditions in the different states and congressional districts during the campaign," the executive secretary reports,⁵⁸ "aided our candidates by organization work, furnished literature and speakers, and assisted where we could in a financial way." The chief instrument of publicity was the press. Year in and year out the Democratic committee supplied a weekly news service to some 6,500 weekly newspapers as well as to 1,100 daily newspapers which had no correspondents at Washington; and also an editorial service to some 800 dailies and weeklies.

And again
after 1928

Considering these facts, Governor Alfred E. Smith—the presidential candidate of 1928—was hardly justified in saying that "it has been the habit of the Democratic party to function only six months in every four years."⁵⁹ No such habit had yet been formed.

⁵⁸ *Proceedings* of the Democratic convention of 1924, p. 1099.

⁵⁹ *New York Times*, January 17, 1929. R. V. Peel and T. C. Donnelly are still less justified in saying (*The 1932 Campaign: An Analysis*, 1935, p. 111) that "prior to 1928 it was customary for the party which lost the election to disband its national organization and close up shop until the advent of the next presidential election." Nevertheless, the services rendered by the headquarters staff of both parties, while they have extended in range and increased in efficiency during the past twenty-five years, still fall short of the standard set by the central offices of the British parties. These publish, for example, magazines of a high type. The Conservative quarterly, *Politics in Review* (suspended during the present war), successor to the monthly *Gleanings and Memoranda*, covers the whole field of politics—including such matters as parliamentary debates and public finance, social and economic problems that engage the parties, imperial and international relations, campaigns and elections; and, although intended primarily for party workers, the magazine serves serious students as a most useful guide to British politics.—From 1918 to 1924 the weekly *National Republican* was published in Washington. Its connection with the party rested on the fact that the chief stockholders were members of the national committee, including John T. Adams, at first vice-chairman and then chairman, and that the editor, George B. Lockwood, was during most of the period either secretary of the committee or its director of publicity. Since 1924 the magazine has appeared as the *National Republic*, a monthly without party backing. The Young Republican National Federation publishes in Chicago the monthly *Republican*, now in its seventh volume (\$2 a year); and the Women's Division of the Democratic Committee publishes in Washington the monthly *Democratic Digest*, now

A relapse to the old inertia had set in after a second crushing defeat in the presidential election of 1924; and there was serious danger that the third defeat would further dampen the ardor of the committee. Governor Smith still regarded himself as leader of the party and hoped to be its standard bearer in 1932. He was interested, therefore, in reviving Democratic spirits and in rebuilding an organization that had fallen to pieces in many parts of the country. As a result of his efforts, Charles Michelson, who had served for twelve years as the Washington correspondent of the *New York World*, became director of publicity.⁶⁰ Against the Hoover administration he proceeded to launch a vigorous attack, all the more effective because of a lively and caustic tone. He furnished daily releases to the newspapers and to the members of national and state Democratic committees. "Weekly clip sheets, prepared editorials, and news letters were periodically made available. The use of the radio was greatly extended, and most of the important addresses under the auspices of the bureau had a national broadcast. . . . In addition to the propaganda functions, the bureau served with great effectiveness as an agency for the general exchange of ideas and opinions concerning party affairs. Current events and conditions were kept constantly before the public. During the campaign for the presidential nomination, the bureau maintained an attitude of neutrality, as well as abstaining from any interference with state primaries for the selection of senatorial or congressional nominees."⁶¹ It was not Governor Smith, but Governor Roosevelt, who, as presidential candidate in 1932, profited by the new energy of the headquarters at Washington.

The rehabilitation of Democratic headquarters in Washington was due, in reality, to the national chairman, John J. Raskob. Grievously disappointed over the defeat of his friend, Al Smith, Mr. Raskob devoted himself to the task of reorganization, and advanced

Chairman
Raskob's
services

in its nineteenth volume. Both magazines have a popular cast, being profusely illustrated and somewhat mediocre in content.

⁶⁰ Thomas S. Barclay, "The Publicity Bureau of the Democratic Party, 1929-30," *American Political Science Review*, Vol. XXV (1931), pp. 68-72. The Republicans soon followed suit.

⁶¹ Barclay, "The Bureau of Publicity of the Democratic National Committee, 1930-32," *Ibid.*, Vol. XXVII (1933), pp. 64-65. Somewhat later there came into being a Democratic National Research League, which coöperates with the national committee and other committees of the party and furnishes candidates with arguments and ideas for use in their campaigns. *Public Opinion Quarterly*, Vol. I (1937), pp. 107-108.

large sums of money for this purpose. "It involved no great sacrifice for him, early in 1929, when Jouett Shouse dawned in Washington as chairman of the executive committee of the Democratic National Committee and began the work of rebuilding Democracy. It was different when the crash came in late October of that year and Mr. Raskob lost uncounted millions. But say this to the credit of the old chairman—he never whimpered, but met the payrolls and expenses of the thing he had inaugurated. There never was any executive committee, but the hullabaloo of the headquarters and the constant presentations of the mistakes of President Hoover did the trick. The Democratic party rose from its stunned inertia. The Congressional elections of 1930 gave it a big boost and made the 1932 landslide possible. It is therefore quite valid to say that John Raskob was the architect of the Roosevelt rise to the Presidency. True, he tried to hamper the Roosevelt progress by constantly dunning the new national committee for the money he had advanced, and the money was paid with pain—for we had nothing in those days and it took hard scraping for Mr. Farley's organization to take care of the deficit it had inherited, and often we looked with envy at the lavishly endowed Liberty League which Mr. Raskob and the Du Ponts, with whom he was affiliated in business and economic sentiment, had started." ⁶² The renewed activity of Democratic headquarters is attested by the expenditure of \$300,000 in 1934 and \$385,000 in 1935.

Decline and
revival of
Republican
activity

It was the disheartening defeats of 1920 and 1924 that had reduced the Democrats to apathy. Republican experience in 1932 had a similar effect. Combative spirit and financial resources alike declined in the face of that catastrophe. Lassitude was reflected in the decay of local organization, especially in the West, and in the inactivity of headquarters, which subsisted on little more than \$60,000 in 1933. There were some slight signs of revival before the next presidential campaign, headquarters spending some \$216,000 in 1934 and some \$160,000 in 1935; but, when John D. Hamilton succeeded to the office of chairman, he was faced by a serious situation. He had to rebuild the party organization. He toured the country, conferring with state and local chairmen, bringing forward young men in the place of old leaders who had grown indifferent or cantankerous, and trying to reestablish a close relationship between local

⁶² Charles Michelson, Democratic Director of Publicity, in the *New York Times*, November 15, 1936.

executives and Washington.⁶³ It was a heavy task, and one rendered still more difficult by the outcome of the presidential election. Yet much was accomplished, as the modest successes of 1938 made clear.

No summary of the functions of the national committee would be adequate if it contemplated only the activities that are recorded in official reports and newspapers. The most important transactions in politics are accomplished in private and through personal influence. The members of the committee are almost always crack politicians, men whose acuteness of observation has been sharpened by experience and whose character gives them an ascendancy among state politicians;⁶⁴ and in a quiet way they can do much to forward the national interests of the party. "A common cause of party weakness and failure," Professor Jesse Macy observes,⁶⁵ "is the rise of misunderstandings, division, and local faction within the party. The committee, representing, in theory, the whole party constituency of the country, is in a position to resist the development of faction and to exercise powerful influence in correcting misunderstandings and healing dissensions. Along such lines its practical usefulness may be almost unlimited, and much of its time during the years of comparative inaction may well be devoted to the labor of harmonizing elements possibly discordant."

Influence
of com-
mitteemen

In all the manifold activities of the national committee, whether during the stress of the presidential and off year campaigns or during the quieter intervals, it is the chairman who directs operations.⁶⁶

Chairman
not the
party
leader

⁶³ Russell Owen, "At the Two Busy G.H.Q.'s," *New York Times*, October 25, 1936.

⁶⁴ In *The American Political Scene* (1936), pp. 55-56, Professor E. B. Logan says: "An analysis of the membership of the committees shows that many members hold public positions. Many are United States Senators or ex-Senators, many are representatives in Congress, and a large number of the chairmen of the state committees help to compose the committee." He tells us further that in 1923, according to Frank R. Kent, senators and ex-senators composed close to a majority of both committees! When Kent wrote, two senators sat on each committee. The "analysis" and "latest research material" were altogether imaginary. In the following table D. = Democratic, R. = Republican:

Committee elected in	1932	1936	1940
U.S. Senators	D. 5, R. 1	D. 3, R. 0	D. 1, R. 0
U.S. Representatives	D. 1, R. 1	D. 0, R. 2	D. 2, R. 1
State chairmen	D. 0, R. 1	D. 4, R. 1	D. 2, R. 0

Vice-President Garner sat on the Democratic committees of 1932 and 1936.

⁶⁵ *Party Organization and Machinery* (1904), p. 69.

⁶⁶ The Republican committee has, besides the chairman, four vice-chairmen, a secretary, a treasurer, and general counsel, "and such other officers as the

He rarely consults the whole committee; he may, as Hanna did in 1900, "lay out the actual work of a campaign without taking any one into his confidence."⁶⁷ Under the circumstances it would not be unnatural to assume that he is the leader of the party. After all, the national convention, which is the supreme council of the party, confides the direction of party affairs to the national committee for the next four years; and the committee acquiesces in the absorption of its powers by the chairman. None the less the chairman has never, even in the case of Mark Hanna,⁶⁸ succeeded in establishing an effective and undisputed leadership. Indeed, few of the men who have held the office in the last generation have possessed the requisite qualities. The successful conduct of a national campaign, it is true, may be regarded as implying the possession of political acumen, of tact and judgment in the handling of all sorts and conditions of men, and of ability to meet complicated situations in which details must be mastered without loss of perspective. But the man who aspires to leadership in a great country like the United States must be something more than a dexterous politician. He must be able to impress his personality upon the masses and fire their imagination. Hanna alone was capable of doing this; and in his case the moral elevation that generates enthusiasm was lacking. Without that characteristic local politicians, starting with the control of a county or city, have by long and patient effort succeeded in dominating the party organization of a state. The national chairman, on the other hand, has no nucleus round which he can gather a personal following; and, since his tenure rarely extends beyond four years,⁶⁹ he passes from the scene before the slow accumulation of resources has given him a secure foothold.

Committee shall deem necessary." It is authorized to select an executive committee, consisting of 21 members, six of them ex officio. "The Chairman, with the consent of the National Committee, may appoint such other committees and assistants as he may deem necessary." *Proceedings* of 1940, p. 110. The Democratic committee is authorized to appoint a chairman, secretary, and treasurer, "and to elect and select such officers and appoint such committees as in the judgment of said committee are necessary for the conduct of the business and affairs of said committee, and the said committee is hereby authorized to empower the Chairman of said committee to appoint such other subordinate committees as he may from time to time deem necessary." This pseudo-legal phraseology is characteristic of our conventions. *Proceedings*, 1940, p. 246.

⁶⁷ Herbert Croly, *Marcus Alonzo Hanna* (1912), p. 321.

⁶⁸ Republican chairman from 1896 to 1904, including the campaigns of 1896 and 1900.

⁶⁹ Since 1856 the Republican party has had twenty-nine chairmen. The

Nor does he reach his place by long service upon the committee or by acknowledged preéminence among its members. The committee formally elects him, but not because his character or accomplishments claim recognition or because he has, by dexterous management, pushed his way to the front. He is imposed upon the committee. Tradition has established the right of the presidential candidate to name the man who is to direct his campaign. No other arrangement could ensure the necessary confidence and intimacy in their relations. So fully is the prerogative conceded that in 1916 President Wilson selected Vance McCormick even before the national convention had appointed the committee, and that in 1924 Clem L. Shaver took up the duties of Democratic chairman a month before his formal election. As a rule the candidate selects the man who has managed his primary campaign and been most active in securing him the nomination.⁷⁰ He chooses a friend, and the friend may be, like William McCombs, Wilson's chairman in 1912, a neophyte in politics. In 1904, notwithstanding vehement protests from Platt and other party bosses, Theodore Roosevelt chose

He is
appointed
by the
candidate

average term down to 1904 was approximately four and a half years, only two chairmen having managed two campaigns—E. D. Morgan those of 1856 and 1860; Mark Hanna those of 1896 and 1900. The average term since 1904 has been approximately two years. Ten of the chairmen lived in the Middle states, five in New England, five in Central states, and four in the North Central.—Two Democratic chairmen served for long periods: Belmont, 1860–1872; Barnum, 1876–1892 (but not continuously). Jones managed Bryan's campaigns of 1896 and 1900. Since that time James A. Farley alone has held the office for more than four years (1932–1940). Commonly the tenure has been brief. McCombs (1912) retired soon after the election; Vance McCormick (1916), in February, 1919; George White (1920), in November, 1921.—After the disastrous election of 1936 Chairman Hamilton offered his resignation to the Republican National Committee. It was rejected by a vote of 74 to 2. *New York Times*, December 18, 1936. Next day the committee voted him an annual salary of \$15,000, with \$10,000 more for expenses, on the understanding that he should give his full time to the rehabilitation of the party. Superseded as chairman in 1940, he served, on the same terms, as executive director till after the election. Hitherto, it seems, no chairman had received a salary. The supervisor of publicity, Franklyn Waltman, received \$20,000; the director of women's activities, Marion E. Martin, \$8,000; the radio commentator, William Hard, \$5,000. *Ibid.*, September 11, 1938. In 1940 Roosevelt selected Edward J. Flynn of New York as Farley's successor (August 1); Willkie, Joseph W. Martin, Jr., of Massachusetts (House Minority leader), as Hamilton's successor.

⁷⁰ For instance, McKinley's selection of Hanna (1896), Taft's selection of Hitchcock (1908), Wilson's selection of McCombs (1912), Coolidge's selection of Butler (1924), Davis' selection of Shaver (1924), F. D. Roosevelt's selection of Farley (1932), and Landon's selection of Hamilton (1936).

George B. Cortelyou, who had served as secretary to the President before being admitted to the cabinet. Some believed that his inexperience would be fatal to the success of the campaign. "They did not know," says Arthur W. Dunn,⁷¹ "that Cortelyou would simply be the mouthpiece of the nominee, who had developed into one of the shrewdest politicians that the country had produced."

The
candidate
is party
leader

Party leadership, then, rests with the candidate. The convention, by the act of nominating him for the highest political office, has endowed him with it. The national chairman is his creature. If the candidate becomes President and proves himself a man of force and resolution, capable of employing effectively the resources of his office, he continues to be party leader. The chairman can never become strong enough to undermine his authority. Even Mark Hanna, whom the newspapers often represented as the Republican boss, felt his dependence. "Early in the spring of 1900," says Herbert Croly,⁷² "Mr. Hanna began complaining to certain of his intimate associates that Mr. McKinley had said nothing to him about managing the coming campaign. Time passed and still nothing was said. Mr. Hanna became very much worried. The moment arrived when preparations ought to be made and when it was natural that the matter should be settled. The worry seems to have had a damaging effect upon his health. . . . If at that particular juncture Mr. Hanna had been superseded as chairman of the National Committee, one of the most essential supports of his personal prestige and power would have been removed. It would have meant that he no longer retained the friendship and confidence of the President." McKinley, it seems, was hesitating. "How serious the hesitation was, and upon precisely what grounds it was based, remains obscure; but unquestionably at this period a certain alteration was taking place in the relationship between the two men. . . . The new condition was Mr. Hanna's increasing personal power as a Congressional and popular leader. This power was assuming such formidable dimensions that the President might well begin to wonder how his own prestige was beginning to look by comparison." He had the means of protecting his position. That he felt himself secure from dangerous rivalry is shown by his retention of Hanna as chairman.

But, if the President is the leader of one party,—the party in power, we are accustomed to call it,—who shall be regarded as lead-

⁷¹ *From Harrison to Harding* (2 vols., 1922), Vol. I, p. 395. See also J. B. Bishop, *Theodore Roosevelt and His Time* (2 vols., 1920), Vol. I, p. 316.

⁷² *Op. cit.*, pp. 320-321.

ing the opposition? Who led the Republicans during the Wilson administration? Who led the Democrats during the Harding administration? The answer to such questions reveals a serious defect in our political arrangements. Under the British system leadership is developed in Parliament. Once having been chosen, the leader continues to hold his place whether the party is in power or in opposition. Thus Sir Wilfrid Laurier, elected by the Liberal members of the Canadian House of Commons in 1887, led the Liberals till his death thirty-two years later, being prime minister for less than half that period; Sir Robert Laird Borden, who succeeded to the Conservative leadership in 1901 and held it for twenty years, formed his first ministry in January, 1912. In other words, both parties have leaders who serve continuously over long periods; and the leader of the opposition, like the premier, receives a public salary. The American system is very different. Continuity in leadership over any long period is impossible. When the term of the President closes, the party organization yields him no further allegiance unless he is a candidate for reelection. He resembles one of those ancient ports on the southeast coast of England from which the sea has subsided.

Defeat
ends his
leadership

A defeated candidate, even if he has served a term as President, can seldom maintain an ascendancy over the politicians. It is true that Bryan's influence in the Democratic party, though momentarily obscured in 1904, survived three unsuccessful campaigns; even in 1912 he had strength enough to swing the Baltimore convention to Wilson. But Bryan's career was exceptional. Cleveland, defeated in 1888, lost control of his party. His public career seemed to have ended; prominent Democrats, like Governor Hill of New York and Senator Gorman of Maryland, spoke contemptuously of him to their intimates and believed that he had been eliminated from national politics.⁷⁸ "Cleveland in New York," Henry Watterson remarked at that time, "reminds one of a stone thrown into a river. There is a 'plunk,' a splash, and then silence." Hughes received the accolade from the Republican convention of 1916, Cox from the Democratic convention of 1920; presumably they commanded the enthusiastic support of their respective parties. But, although they remained after defeat in the presidential election as capable of leadership as they had been before it, both disappeared, much more completely than Cleveland, with a faint 'plunk' and scarcely a ripple

Illus-
trations
from the
past

⁷⁸ Harry Thurston Peck, *Twenty Years of the Republic* (1907), p. 252.

on the surface of the river.⁷⁴ They were not even considered for the next presidential nomination. The party that is beaten in the presidential election, then, has no acknowledged leader. There may be centers of influence in the House, the Senate, the national committee; there may be a group of men who, by acting in concert and pooling their interests, can, as it were, exercise the royal prerogative during the interregnum; but a leader—essential as he would seem to be from the standpoint both of efficiency and of responsibility—will not emerge until the next national convention has appointed him.

More recent cases

Perhaps that unfortunate situation is on the way to being corrected. As the country grows more accustomed to the rôle of the President as a leader of his party, the need of a leader of the opposition is becoming manifest. There must be significance in the fact that the press often referred to Smith, Hoover, Landon, and Willkie, after their defeats, as "titular" leaders and that, by their actions, all four of these men laid claim to such leadership. Through John J. Raskob, chairman of the national committee, Smith retained control of the central organization of the Democratic party and entertained hopes of being renominated. At the Chicago convention he stood out as the chief rival of Governor Roosevelt, receiving on the first ballot 201 votes against Roosevelt's 666. Although Hubert Work resigned as chairman soon after the election of 1932, Hoover remained active in Republican affairs. His speech before the convention at Cleveland evoked warm applause; delegates marched up and down the aisles, shouting, "We want Hoover!" But he was not even put in nomination. Landon, after defeat, had the same advantage as Smith, in the fact that John D. Hamilton continued to hold his place as chairman. He conducted an extensive political correspondence, spoke at banquets and over the radio, kept in close touch with Hamilton, and conferred with national leaders. Yet he was not even considered for the nomination in 1940. Indeed, the Republican party has never renominated a man after defeat. Although the national committee accepted Willkie as leader,⁷⁵ many isolationists spurned him. According to Senator Taft, there is "no justification in precedent or principle" for recognizing a defeated candidate as leader.⁷⁶

⁷⁴ The eclipse of Hughes was marked, in 1917, by the retirement of W. R. Willcox, the national chairman who had managed his campaign, and the election of Will H. Hays as his successor. In like manner George White gave place to Cordell Hull as Democratic chairman in November, 1921.

⁷⁵ *New York Times*, March 24, 1941.

⁷⁶ *Newsweek*, February 24, 1941.

Where the
trouble lies

Why should this be so? Our candidates for the presidency, whatever natural gifts they may possess, rarely have any experience as national politicians. The leader must have native and acquired gifts for politics as practised at Washington: a judge or soldier or administrative expert belongs in a different category; so does the governor of a state. In European democracies the party leaders fight their way to the front in parliament; gradually win the approbation of their followers there and in the country; and, when they assume the purple, are so well known and have so clear a public record that their attitude toward new problems can usually be foretold. Our presidential candidates, far from being national leaders, emerge from a lottery. They are selected because they are "available"; and their availability is all the greater if they cannot be appraised in the light of a "national" record. "Nothing was known about Roosevelt," says J. T. Adams,^{76a} "except his smile. As William Allen White wrote at the time of his inauguration, 'We are putting our hands in a grab-bag. Heaven alone knows what we shall pull out.' With the disingenuousness apparently required of a Presidential candidate, his campaign speeches had not disclosed his real views."

Presiden-
tial leader-
ship ^{76b}

The party in power has the President. He assumes the leadership because the people have come to expect it, because his constitutional powers and his position as the only officer—except the Vice-President—elected by the whole country give him the necessary resources, and because the party, with its future dependent upon the record of his administration, cannot refuse obedience without stultifying itself. "He cannot escape being the leader of his party," says Woodrow Wilson,⁷⁷ "except by incapacity and lack of personal force, because he is at once the choice of the party and of the nation. He is the party nominee, and the only party nominee for whom the whole nation votes. Members of the House and Senate are representatives of localities, are voted for only by sections of voters, or by local bodies like the state legislatures. There is no national party choice except that of President. No one else represents the people as a whole, exercising a national choice; and inasmuch as his strictly executive duties are in fact subordinated, so far at any rate as all detail is concerned, the President represents not so much the party's governing efficiency as its controlling ideals and princi-

^{76a} *History of the United States*, Vol. V, p. 2.

^{76b} J. T. Salter, *The Pattern of Politics* (1940), Chapter V.

⁷⁷ *Constitutional Government in the United States* (1908), pp. 208-209.

ples. He is not so much a part of its organization as its vital link of connection with the thinking nation. He can dominate his party by being spokesman for the real sentiment and purpose of the country, by giving direction to opinion, by giving the country at once the information and the statements of policy which will enable it to form its judgments alike of parties and of men."

Unusual before Cleveland's time

The conception of the President as party leader is comparatively recent.⁷⁸ It has taken shape in the popular mind through generalizations which may, after all, have an insecure basis. If Theodore Roosevelt and Woodrow Wilson dominated their parties, Taft and Harding did not; and there would be some hazard in assuming that the Roosevelts rather than the Hardings set the tone of the presidential office. Few men of commanding personality have reached the White House. Over a century ago, when politics took on its familiar modern guise, with universal suffrage and the extra-governmental organization of parties, Jackson reached, as Professor Macy has said,⁷⁹ "the highest attainment in individual personal party leadership." He enjoyed a remarkable popularity. Through the clever politicians who surrounded him he mobilized public opinion,⁸⁰ at

⁷⁸ See Edward Stanwood, *A History of the Presidency* (2 vols., 1916), Vol. II, Chapter IV; and Macy, *Party Organization and Machinery* (1904), Chapter III, on presidential leadership. "It would not be difficult," says Stanwood (p. 237), "to sustain the proposition that the extension of executive power and influence . . . was imported into Washington by those who had filled the executive chair at Albany. The country saw little or none of it before the time of Mr. Cleveland, and it did not see very much of it then." Theodore Roosevelt, like Cleveland, had been governor of New York; and it may be of significance that Woodrow Wilson had been governor of New Jersey. Franklin D. Roosevelt, twice governor of New York, carried the conception of party leadership farther than any predecessor in the White House.

⁷⁹ *Op. cit.*, p. 27.

⁸⁰ Amos Kendall was the great manufacturer of "spontaneous" popular movements. "I was fortunate enough to catch a glimpse of the invincible Amos Kendall," Harriet Martineau wrote, "one of the most remarkable men in America. He is supposed to be the moving spirit of the Administration; the thinker, the planner, the doer; but it is all in the dark. Documents are issued, the excellence of which prevents them from being attributed to the persons that take the responsibility for them; a correspondence is kept up all over the country, for which no one seems answerable; work is done of goblin extent and with goblin speed, which makes men look about them with superstitious wonder; and the invincible Amos Kendall has the credit for it all. President Jackson's letters to his Cabinet are said to be Kendall's; the report on Sunday mails is attributed to Kendall; the letters sent from Washington to remote country newspapers, whence they are collected and published in the 'Globe' as demonstrations of public opinion, are pronounced to be written by Kendall; and it is some relief that he now,

the same time that he used federal patronage, and other means that the presidential office provided, to consolidate his position. His imperious will was obeyed. But down to the time of Lincoln his successors were either incapable of sustaining such a rôle, being for the most part mediocre men, or restrained by their strict interpretation of executive powers. Thus, in contrast with what Roosevelt described as "the Jackson-Lincoln school," James Buchanan took the "narrowly legalistic view that the President is the servant of Congress rather than of the people, and can do nothing, no matter how necessary it be to act, unless the Constitution explicitly commands the action."⁸¹

After Lincoln, as after Jackson, reaction set in. Congress substituted its own policy of reconstruction for that of President Johnson, overrode his numerous vetoes, curtailed his appointing power through the Tenure of Office Act, and, distrusting the national committee, organized a Republican congressional committee to direct the election campaign. Grant lacked political experience. Under him the policy of government was shaped by Conkling, Cameron, and other state bosses—the famous "senatorial group." The doctrine of "senatorial courtesy" in practice deprived the president of initiative in the appointment of office-holders.⁸² The corruption that marked this eclipse of executive authority aroused public indignation. The Republican party, shaken by Democratic victories, promised reform; and in the platform of 1876 it declared that "senators and representatives . . . should not dictate appointments to office." President Hayes acted in accordance with this declaration (hence the abortive third-term movement in favor of Grant); and "senatorial courtesy" received a staggering blow when President Garfield made certain appointments without consulting Senators Conkling and Platt of New York and when those senators, resigning their seats by way of protest, failed to secure reelection and vindication.⁸³

having the office of Postmaster General, affords opportunity for open attack upon this twilight personage. He is undoubtedly a great genius." Quoted by Claude G. Bowers, *The Party Battles of the Jackson Period* (1922), p. 140.

⁸¹ *Theodore Roosevelt: an Autobiography* (1913), p. 378.

⁸² The president, before recommending an appointment in any state, was expected to get the approval of the senior senator of his party from that state; if he failed to do so, the members of the Senate would, in accordance with the rule of senatorial courtesy, refuse to confirm the nomination.

⁸³ The senators had reason to feel aggrieved; for Garfield had promised, prior to his election and in return for assistance in the campaign, that he would make no appointment in New York without their approval. At least this is the state-

In this period there was at least a reassertion of executive rights, a reconquest of those constitutional prerogatives which the legislature had encroached upon; but the center of political gravity still rested in Congress rather than in the presidency.

How the
doctrine of
presidential
leadership
developed

A marked change occurred between the beginning of Cleveland's administration and the close of Theodore Roosevelt's. Its extent may be gathered by comparing the views which Woodrow Wilson expressed in 1885, when he wrote *Congressional Government*, and in 1907, when he delivered the lectures on *Constitutional Government in the United States*. Cleveland knew how to use the tone of command. He had force of character and courage. Although the politicians deserted him, although his divided and distracted party could not be driven in harness and, after administering a series of rebuffs, disowned him utterly in the platform of 1896, he taught the people to focus their eyes upon the White House rather than upon the Capitol. McKinley, with a different method and a more united party, succeeded better. His tactful graciousness and urbane manner disarmed opposition; he employed arts like those of the contemporary Liberal leader in Canada, the "conciliation and sunny ways" which, combined with talents of a higher order than McKinley's, enabled Sir Wilfrid Laurier to hold office continuously for fifteen years. Theodore Roosevelt wielded the "big stick." He sent special messages to Congress; he threatened vetoes; he rewarded and punished members of Congress in the distribution of patronage; he used every weapon that came to his hand, above all the weapon of publicity, of popular appeal, which he handled with consummate mastery. He was an adept of the "Jackson-Lincoln school." According to Roosevelt, Taft took "the Buchanan view of the President's powers and duties."⁸⁴ Perhaps it would be more accurate to say that,

ment of Platt (*Autobiography*, 1910, pp. 129-146), a statement that is too circumstantial and detailed to be lightly dismissed, though the authorized biographer of Garfield (T. C. Smith, *The Life and Letters of James Abram Garfield*, 2 vols., 1925) considers such a bargain "inconceivable."

⁸⁴ "Perhaps the sharp difference between what may be called the Lincoln-Jackson and the Buchanan-Taft schools, in their view of the power and duties of the President, may be best illustrated by comparing the attitude of my successor toward his Secretary of the Interior, Mr. Ballinger, when the latter was accused of gross misconduct in office, with my attitude towards my chiefs of department and other subordinate officers. More than once while I was President my officials were attacked by Congress, generally because these officials did their duty well and fearlessly. In every such case I stood by the official and refused to recognize the right of Congress to interfere with me excepting by impeachment or in other constitutional manner. On the other hand, wherever I found

though President Taft set out with the intention of leading the party,⁸⁵ the task was one which he found uncongenial and which, even to a man of more aggressive temper, would have presented almost insuperable difficulty, so sharp had grown the cleavage between stand-pat and progressive factions. Woodrow Wilson brought presidential leadership to a new high point.⁸⁶ During the six years in

the officer unfit for his position I promptly removed him, even although the most influential men in Congress fought for his retention. The Jackson-Lincoln view is that a President who is fit to do good work should be able to form his own judgment as to his subordinates, and, above all, of the subordinates standing highest and in closest and most intimate touch with him. My secretaries and the subordinates were responsible to me, and I accepted the responsibility for all their deeds. As long as they were satisfactory to me I stood by them against every critic or assailant, within or without Congress; and as for getting Congress to make up my mind for me about them, the thought would have been inconceivable to me. My successor took the opposite or Buchanan view when he permitted and requested Congress to pass judgment on the charges against Mr. Ballinger as an executive officer. These charges were made to the President; the President had the facts before him and could get at them at any time, and he alone had power to act if the charges were true. However, he permitted and requested Congress to investigate Mr. Ballinger." *Theodore Roosevelt: an Autobiography* (1913), pp. 379-380.

⁸⁵ Taft expressed his view of the presidency in his *Four Aspects of Civic Duty* (1911). "Under our system of politics," he said (p. 100), "the President is the head of the party which elected him, and cannot escape responsibility either for his own executive work or for the legislative policy of his party in both houses." His assertion of leadership as President might be illustrated in many ways, as in the drawing of administration measures like the Railroad bill and in the distribution of patronage. That he tried to starve the insurgents into submission was shown (in 1910) by the famous "Beverly letter" in which he promised no longer to withhold patronage from them. He exerted influence on behalf of Senator Lorimer whose selection by the Illinois legislature had been impugned; and the Senate, by resolution, rebuked him for interfering in a matter wholly within its own jurisdiction.

⁸⁶ President Wilson's view of the authority which party leadership gave him varied with occasion and circumstance. To a woman suffrage delegation he said on January 9, 1917: "I need not tell you by what circumscriptions I am bound as leader of a party. As the leader of a party my commands come from that party and not from private personal convictions. . . . It is so impossible for me, until the orders of my party are changed, to do anything other than I am doing as a party leader that I think nothing more is necessary to be said." Inez H. Irwin, *The Story of the Woman's Party* (1921), p. 189. In spite of this statement he did change his attitude towards woman suffrage.—In the face of a specific declaration in the Democratic platform of 1912, he urged and carried through Congress the repeal of the law which exempted American coastwise vessels from the payment of tolls when passing through the Panama Canal. He became a candidate for reelection, although the party, in the same platform, had declared

which the Democrats controlled both houses he dominated Congress and the party organization more completely than Roosevelt had done. Every first-class measure owed its enactment to the driving force of the President. "His personal activity," says Professor Ogg,⁸⁷ "became a principal factor in his administration's imposing record of constructive and remedial legislation; and his conception and example of presidential leadership in legislation became his chief contribution to American political methods."

Harding
averse to
the rôle of
leader

Indeed, when we are speaking of the President as the leader of his party, it is the two Roosevelts and Woodrow Wilson we have in mind, not Taft and Harding. One of the factors that led to the nomination of Senator Harding was the belief that, as President, he would defer to the elder statesmen of the party in the Senate and—to use the campaign phrase of the Democratic candidate—be "the creature of a senatorial oligarchy."⁸⁸ President Harding did not allow himself to be used in that way. He was not of the "Jackson-Lincoln school," it is true; the assumption of vigorous leadership would have run counter to his temperament and his conception of the presidential office. But, if genial and accommodating, he had no intention of being driven by others. He was as ready to vindicate the independence of the executive department as to recognize the independence of the legislative department. Unfortunately, the two coördinate departments did not see eye to eye. The House "defied the President on nearly every essential policy. It rewrote the White House tax bill; it threw the Administration's plan for refunding the foreign debts into the wastebasket. It ignored the executive commands with respect to the bonus. It tore Dawes's budget into such tatters that the whole conception of an executive budget was destroyed."⁸⁹ When Harding advocated American membership in the Permanent Court of International Justice, there came an open breach with Congress and the party organization. The revolt spread to a quarter where the President might reasonably have counted upon loyal support. John T. Adams, chairman of the national committee, launched a most venomous attack upon the late allies of the United States. Through the publicity department of the com-

in favor of a single term and had pledged "the candidate of this convention to this principle." See R. S. Baker's biography of Wilson (8 vols., 1927-1939).

⁸⁷ *National Progress 1907-1917* (1917), p. 228.

⁸⁸ Mark Sullivan, "Two Years of President Harding," *World's Work*, Vol. XLV (1922), pp. 31 *et seq.* See S. H. Adams' life of Harding (1940).

⁸⁹ John Corbin in the *New York Times*, April 15, 1923.

mittee he accused them of "downright dishonesty," "crooked deals," "direct violation of the terms of the armistice," and a disposition "to job the United States on every possible occasion."⁹⁰ While the World Court was not mentioned, evidently Adams intended to give aid and comfort to the faction opposing the President. After withdrawing the obnoxious pronouncement at the instance of the secretary of state, he showed himself altogether unrepentant.⁹¹ The chairmen of the congressional and senatorial committees attacked the President without qualification or disguise.⁹² It was under these circumstances that Harding dropped his quiescent rôle and, in a tour of the country, late in the summer of 1923, appealed from the politicians to the people. His death in San Francisco left the issue undecided.

His successor, a shrewd and adroit politician, soon showed himself master of the party organization. Through his friend, William M. Butler, who managed his primary campaign and later became national chairman, and through his secretary, C. Bascom Slemph, a Virginian who understood the technique of Republican politics in the Solid South, he first made sure of the 1924 nomination. At the same time, though quite apparently lacking the personal force of a Roosevelt or a Wilson, he impressed himself on the country. "He did it," says the *New York Times*,⁹³ "in an original fashion. It is still true that the world is ruled by imagination, and President Coolidge undoubtedly made a strong appeal to the imagination of the American people. But it was along novel lines. He never sought to set himself up as a hero or a romantic figure. Rather it was the dutiful doer of the day's work; the calm man of iron industry; the executive who labored for economy and order in government; the President who worked for a reduction in public expenditures, and also managed to stand before the eyes of his fellow-citizens as the man who was striving to save their money and to cut down their individual taxes; who illustrated the humdrum but indispensable virtues of efficient administration—in these guises Mr. Coolidge not only compelled recognition as the chief asset of the Republican party, but more and more won a hold upon the plain and steady-going masses of the people. His success is that of a new type in our

The
methods
of President
Coolidge

⁹⁰ *New York Times*, May 23, 1923. Adams, who succeeded Hays as chairman in 1921, was the choice of President Harding. *Ibid.*, May 20, 1921.

⁹¹ See *ibid.*, May 30 and 31, 1923.

⁹² *Ibid.*, May 26, 1923.

⁹³ Editorial, November 5, 1924.

national politics. He has shown that leadership may fulfill itself in many ways, some of them unexpected. Perhaps the strategic moment had come for such a victor. The nation had had a series of forceful and glittering personalities at the head of affairs. Possibly the time had come to play upon other strings of popular sentiment. Mr. Coolidge has certainly done it, and that without departing from the character in which he had been known for years." Nothing seemed to shake his popularity. Investigations which revealed unfortunate conditions in the executive departments and might be taken as showing laxity on the part of the President—a disposition to let things alone until public opinion compelled action of some kind—left his reputation unimpaired. If he did at any time bring pressure to bear upon Congress, he did so unobtrusively, indirectly, and without appearing to overstep the bounds of a strict constitutionalism.⁹⁴ In the search for an analogy we are carried back to McKinley's administration.⁹⁵

Herbert
Hoover

President Hoover came to the White House under the happiest auspices. He had behind him a majority of sixteen in the Senate and one hundred and sixty-seven in the House. He enjoyed widespread popularity and was expected to achieve notable success. Unfortunately, he had been trained as an engineer, not a politician; his contact with public life had been limited to service as secretary of

⁹⁴ "Turning from the majority here, the gentleman then assailed the White House and complained that no 'thunderbolts' were coming from that source. There are none, it is true. We have progressed beyond the stone age; we have emerged from the jungle; we have arrived at a degree of appreciation of efficiency in self-government which recognizes the constitutional separation of the different branches of the government, the equality of the legislative, the judicial, and the executive, each independent of the other, and that the rights and prerogatives of this House, holding the purse strings of the people, are of equal importance and prominence with those of any other branch in the Constitution of our country. No, Mr. Chairman, there are no 'thunderbolts' coming from the White House; but in their stead is coming a settled conviction in the country that in the person of our present Chief Executive it has a fearless, courageous, and conscientious statesman, generally conceded throughout the Nation to be the right man in the right place at the right time and qualified better than any other to meet the executive needs of the country." Mr. Garber (Republican, Oklahoma), *Congressional Record*, December 19, 1925, p. 767. See too the remarks in the Senate (January 16, 1926, pp. 1812-1815) in which Coolidge is contrasted with Theodore Roosevelt with respect to his inaction during the coal strike.

⁹⁵ For acute appraisals of President Coolidge see Preston W. Slosson, "Calvin Coolidge: His Place in History," *Current History*, Vol. XXXIII (1930), pp. 1-6; *New York Times*, January 6, 1933; the life of Coolidge by Fuess (1940).

commerce under Harding and Coolidge; and his temperament, like his training, did not accommodate itself to the peculiar rules of the great game of politics. He possessed nothing of that flair for conferring with politicians, penetrating their minds, and smoothing out discontents that marked both Theodore and Franklin Delano Roosevelt. Such contacts were uncongenial. "The fundamental fact with regard to his equipment," says Professor Allan Nevins,⁹⁶ "is that he is an admirable planner, organizer and administrator, but a very poor policy-maker and leader. He can run a department or set of departments with great skill; he can organize forces to meet an emergency; but he cannot direct a party, lead a parliamentary group or guide public opinion." His tragedy resembles that of Taft. The latter was an amiable and distinguished man who, trained as a judge and administrator, could not cope with the exigencies of a political revolution; yet anyone who now looks back upon his program, while admitting his deficiencies as a politician, must regard him as one of the most constructive Presidents in our history. Hoover had to grapple with a depression that he utterly failed to understand and with sharp cleavages of opinion that it engendered. Nevertheless, before the depression had made headway, lack of political acumen had already cost Hoover much of his popularity.

Opinions will differ, and differ violently, over the immediate measures and ultimate objectives of President Franklin Roosevelt. That he possesses extraordinary gifts as a leader is patent, even to his bitterest enemies. These gifts are seen in his handling of individuals and crowds alike; in his winning over recalcitrant congressmen and in captivating radio audiences by his fireside chats. With the possible exception of Theodore Roosevelt, no President has taken more obvious pleasure in political combat and the management of situations that would appall others and perhaps worry them into collapse. Now, the Democratic party has been notoriously discordant, difficult to control when in power and faced with the responsibility of positive action. Factional cleavages are all the more likely to occur in absence of an effective opposition. After the election of 1936 the Republicans could muster only a sixth of the Senate and little more than a fifth of the House. It is not surprising, therefore, that Roosevelt found the Seventy-fifth Congress less tractable than its predecessors and inclined to look askance at some features of the second New Deal. It must be held in mind, further, that, in the light of the traditional third term doctrine, senators and representatives

Franklin
Delano
Roosevelt

⁹⁶ "President Hoover's Record," *Current History*, Vol. XXVI (1932), p. 387.

now felt less dependent upon the immense personal popularity of the President. In the same way they lost much of that terror of the "big stick" after Theodore Roosevelt had announced that he would not accept renomination in 1908. Beyond any doubt, the revolt of the Seventy-fifth Congress would have been more pronounced had Franklin Roosevelt made a similar declaration concerning 1940.

Interven-
tion in
primaries

There was much talk about drafting him for a third term. The talk grew more insistent at the time of the primaries in the summer of 1938 and came from men of high position in the party. The President kept silent. Whatever his intentions might be, he left Democratic aspirants for office who felt qualms about the New Deal in something of a predicament. By a novel assertion of party leadership, moreover, he gave additional force to his insistence upon orthodoxy. Hitherto it had been the practice both of the President and of the national committee to observe strict neutrality between rivals for nomination. The first signs of a change in practice came when Chairman Farley intervened in the primary in Pennsylvania. He declared that his intervention created no precedent and that he would remain aloof from primaries in other states. For three-quarters of a century Pennsylvania had been a Republican state, he said;⁹⁷ but in 1934 it had elected a Democratic governor and senator, and in 1936 given its electoral votes to Roosevelt. "Unfortunately, this great triumph for the Democratic party is now threatened by factional quarrelling. This quarrelling has reached the point where it may endanger the success of the Democratic ticket in Pennsylvania. . . . Therefore, in my judgment, the only way to protect the interests of the people of the state would be to nominate Tom Kennedy for Governor and George Earle for the Senate in tomorrow's primaries." The contending factions, instead of listening to Farley's advice, criticized his interference.

as party
chief, not
President

It soon appeared that certain confidants of the President, currently styled the "elimination committee," had decided to punish, by opposing in the primaries, senators who had voted against the President's measures, particularly his court bill. They failed to prevent the nomination of Senator Gillette in Iowa. "The one unmistakable result of Iowa's primary election," observed the *New York Times*,⁹⁸ "is a rebuff for the 'elimination committee' which set out

⁹⁷ *New York Times*, May 17, 1938.

⁹⁸ June 8, 1938. The *Los Angeles Times* of the same date said: "Gillette was the first of the anti-court-policy Senators to feel the administration's wrath and

to make support of the President's Supreme Court plan an acid test of fitness in the Senate. . . . The 'elimination committee' is the real loser in the Iowa primary. What comes through with flying colors is a demonstration that the rank and file of the Democratic party resents outside interference in local matters and chooses to do its thinking for itself." Nevertheless, some two weeks later President Roosevelt announced over the radio that he would personally take charge of the elimination. He said: ⁹⁹ "As President of the United States, I am not asking the voters of the country to vote for Democrats next November as opposed to Republicans or members of any other party. Nor am I, as President, taking part in Democratic primaries. As the head of the Democratic party, however, charged with the responsibility of carrying out the definitely liberal declaration of principles set forth in the 1936 Democratic platform, I feel that I have every right to speak in those few instances where there may be a clear issue between candidates for a Democratic nomination involving these principles or involving a clear misuse of my own name." A curious feature of this statement is the reference to the platform of 1936. The chief ground for the elimination of certain senators was their opposition to the "court bill," yet that bill found no authority in the platform.¹⁰⁰

Roosevelt applied his new tactics first, on July 8, by endorsing two faithful adherents, Senator Bulkley of Ohio and Senator Barkley of Kentucky. Later on he sought to encompass the defeat of Laodicean senators, like George of Georgia and Smith of South Carolina. There was loud complaint—particularly, but by no means solely, on the Republican side. Some critics ridiculed the President's

Justification of his course

reprimands at the polls. The result is calculated to encourage a little independence even among the rubber stamps."

⁹⁹ New York Times, June 25, 1938.

¹⁰⁰ Regarding that bill *The United States News* said on June 13, 1938: "There may have been some excuse for ignoring the 1932 platform—a change in economic circumstances—but there can be no excuse for ignoring the 1936 platform which specifically stated that changes in the Constitution would be sought in constitutional ways. Was the attempt to add six new justices so as to overcome the votes of the sitting justices in keeping with the spirit of the Constitution? A majority of the members of the Senate said 'no.' The country was aroused by the issue to such an extent that there is little doubt that if the measure had come to a vote in the House of Representatives it would have been overwhelmingly defeated. The leaders in the House did not fail to express publicly their abhorrence of the proposition to influence the Supreme Court's decisions by adding new justices who would, as the President admitted in a public address, follow his interpretation of the Constitution."

reference to platform pledges, seeing that he himself had played so fast and loose with the pledges of 1932 and that the court bill did not come within the purview of the 1936 platform. Others ridiculed Roosevelt's bifurcation of himself into President, standing above the interests of party, and the Democratic chief.¹⁰¹ More generally, the breach with traditional practice was condemned. But President Roosevelt, who had in so many other respects shown himself to be a bold innovator, was merely completing a development that had long been in progress—making the next logical move. Custom had entrusted the President with the leadership of his party; and it is the function of the leader to give commands, of his followers to obey. Acquiescence in chronic rebellion means abdication. What our parties need, more than anything else, is a greater centralization of control and responsibility. Roosevelt showed insight and courage by insisting that his leadership should be effective rather than nominal. It remains to be seen whether, in so large and so diverse a country, localism can be eradicated or at least restrained within narrower limits. It was more than temporary failure that met Roosevelt's attempted purge in 1938. His interference in the primaries caused widespread resentment.

Obstacles
to presi-
dential
leadership

In connection with presidential leadership our traditional arrangements raise a number of difficulties. First of all, because of the method of selecting presidential candidates, the essential attributes of leadership may be quite wanting in them: authentic leaders, who have established their ascendancy in the field of national politics, seldom reach the White House. Again, a fixed term of office weakens the position of the President in various ways: particularly his partisans in Congress are not constrained to support him on all important issues—as a prime minister is supported in England—for fear of

¹⁰¹ "The President's alter ego—the 'head of the Democratic party'—made his first appearance yesterday," said the *Los Angeles Times* on July 9, 1938. "The fact that he was consistently greeted, introduced and referred to as the President must have been slightly confusing. So that, if his hearers had difficulty in separating the dual personalities of their distinguished guest, it was one which apparently was fully shared by the guest himself. Part of the time in each of his addresses it was very plainly the President who was speaking as such and with all the authority of the office; part of the time it was the party head who made a frankly political appeal; the rest of the time it might have been either. At Covington, for example, it was undoubtedly the President who told the big crowd that he had no intention of interfering in the Kentucky primary. Consequently it must have been the party head who told the same audience in the next succeeding sentences to vote for Barkley and not for Chandler for the Senatorship."

provoking an election and losing control of the government. Finally, the President finds himself in an anomalous position, as Roosevelt himself clearly perceived: he is at once the head of the state—a symbol of the nation as an entity, like the British king or any titular executive—and the head of one party in the state; he stands at once upon the mountain top and in the cellar. How can these difficulties be removed?

The constitutional history of England indicates one possible solution. The exercise of the royal powers gradually passed from the king in person to ministers who were still in name his servants and still in form his nominees, but who in fact reflected the will of the majority in the House of Commons. The king now merely reigned as titular executive; the prime minister and his cabinet governed. How did this transfer of actual authority come about? The king was not stripped of his legal powers by what we would call a constitutional amendment. He lost the discretionary use of those powers because he lost control of his ministers; and he lost control of his ministers because, in the effort to manage parliament, he had established the practice of choosing them from among the members of that body. Eventually the king found it impossible to maintain a cabinet that lacked the confidence of the House of Commons. Now, it has frequently been proposed that our cabinet officers should take part in the proceedings of Congress. In his message of December 19, 1912, President Taft urged such a course. The Constitution does not stand in the way. Without being senators or representatives, cabinet officers could answer questions, engage in debate, and even sit on committees if permitted to do so by statute or by the rules of the two houses. But what would be the ultimate consequences? At times the President would be confronted by a hostile majority in Congress. That majority would harass and flout his secretaries—normally accustomed to acknowledged leadership—and make their lives unendurable. Then, on the analogy of what happened with the English king, the President would give way and appoint leaders of the majority to cabinet posts. Retaining only titular authority, he would acquiesce in the setting up of a “responsible” executive, wielding his legal powers. Such a future development cannot be dismissed as altogether fanciful. Nor should its obvious advantages be ignored. Although strong enough in popularity to ignore the third-term tradition, President Roosevelt cannot lead Congress as effectively as Prime Minister Churchill leads the House of Commons.

What
might
happen

Chapter XV

STATE AND LOCAL EXECUTIVES

Party organization regulated by law

The committees which have been described—national, congressional, and senatorial—exist by virtue of party action and lie outside the domain of law. Congress has only incidental power of regulation (e. g., as to expenditures). In the case of party machinery within the several states the situation is very different; primary laws describe the composition of state and local committees, the way in which they shall be chosen, and, in general language, the functions which they shall perform. This tends to become a uniform practice. The chief exceptions are found in the two states which have adhered to the convention system (Connecticut and Rhode Island); in Delaware, and also in a majority of the border and Southern states, where the parties still possess much of their old character as voluntary associations.¹ The legal provisions of several other states (Maine, Nebraska, and Pennsylvania, for example) are rudimentary.²

¹ Of the six border states, Kentucky, Maryland, Oklahoma, and Tennessee leave the matter to party rules, except that the state committee is described in the Tennessee law. In Maryland: "Party executive committees must be elected by the qualified voters of the party. . . . The only exception to this is the governing body of the party for the whole State, which must be selected and appointed by the State convention of the party." That is all. In Oklahoma the law concerns itself only with the executive committees of cities and towns, the former to be chosen from wards, but according to party rules. In the Solid South Alabama, Arkansas, Georgia, North Carolina, and Virginia likewise leave the matter to party rules. According to the Virginia law, "each party shall have the power to make its own rules and regulations. . . . Nothing in this chapter shall be construed to limit or circumscribe the power of any political party to prescribe the rules and regulations for its own government." The other five states of the Solid South do describe the structure of the various party committees.

² *Maine*: the state convention to elect state, congressional district, and county committees; *Minnesota*: the candidates for state office, senators, and representatives to name state and congressional committees; *Nebraska*: the state convention to elect a state committee; *Pennsylvania*: the state committee to consist of two members from each senatorial district elected at the primary, county committees to be elected at the primary or appointed, as local party rules may prescribe. The *New York* law describes the state and county committees, which are to be elected by direct primary, all other committees to "be formed in the

But fairly complete regulation of machinery prevails elsewhere.³

In all states, whether by law or party rule, the committees correspond with the various areas in which public officers are elected. Besides the state central committee, we find a committee in each county, senatorial district, assembly district, judicial district, congressional district, and city. The most important committees are those of the county (outside of New England), congressional district, and state. An absence of uniformity in their structure and relationships makes generalization difficult. In some cases we encounter truly hierarchical arrangements, the county committee at the base of the pyramid deriving its membership from the primaries and the higher committees deriving their membership from it, directly or indirectly. Colorado affords an example. There the county committee consists of a man and a woman from each precinct, while the congressional district and state committees are composed of the county chairmen and vice-chairmen. This hier-

manner provided for by the rules of the party"; under an amendment of 1939 the state committee "shall have power to make its own rules as to the number of its members, the units of representation from which its members shall be elected, and may provide for equal representation of sexes from each unit," but until the party makes some other provision the committee shall consist of two members from each assembly district.

³ The requirements of state law respecting party committees and nominations rarely affect the Socialist party; it is (1941) a legal party in only four states. It lives a life of its own outside the domain of the election laws. Its members are admitted on terms laid down by the *Constitution and Organizational Structure of the Socialist Party*; and they are subject to expulsion on various grounds, including the failure to pay dues. Aliens may vote for the nomination of candidates for public office; likewise Negroes may; and, if their membership cards show them to be in good standing, do so immediately after a change of residence. The state committee is elected by an annual convention. Several states or part of a state may be erected into a "district" by the national executive committee and granted the function of state organization. On these points see the *Constitution*, Articles II, III, and XI. It is obvious, therefore, that, whenever the Socialist party qualifies as a party within the meaning of the primary law, a conflict will arise between the rules of the party and the laws of the state. All states exclude aliens from voting at the primary and impose qualifications of local residence. Most of them prevent parties from setting up barriers to membership. Some of them discriminate in practice against Negroes. The party solves the conflict by leading a dual existence. It maintains a "dues-department organization," which rests on a dues-paying membership, and a "legal organization," which rests on the legal tests of party affiliation. The former nominates candidates in advance of the primary and puts their names on the primary ballot. There is no opposition. The legal members ratify what the dues-paying members have done. So far the Socialist nominations have not been worth stealing.

archical scheme is followed in a good many states, but sometimes with variations. Thus, in Missouri each congressional district committee selects four members of the state committee. In other cases no such continuity in personnel exists. Often (as in Florida, Ohio, West Virginia, and Wyoming) all committeemen are elected at the primary. Again, in Iowa the county committee consists of two persons from each precinct, elected at the primary; the congressional committee, of two from each county, elected by the county convention; and the state committee, of two from each congressional district, elected by the state convention. In New Jersey the members of the county committee are elected annually, the members of the state committee triennially, at the primary. Similarly, in Ohio the members of these committees are elected at the primary. But in that state the congressional district committee is composed of two members from each county committee.

Arrange-
ments in
Indiana

It may be advisable at this point, before considering the committees separately, to show the arrangements in one state as a whole. The election law of Indiana makes the following provisions: "Every political party subject to the provisions of this act shall have the following committees: A state central committee, a congressional district committee, a county committee, a city committee and a precinct committee, but said city, county, district or state committee may provide for such other officers, committees and rules as it may from time to time decide. The state central committee of each party subject to the provisions of this act shall be composed of the district chairman and the district vice-chairman from the several congressional districts to be elected as hereinafter provided. The congressional district committee shall be composed of the county chairmen and the county vice-chairmen of the several counties in the congressional district: provided, however, that in the congressional districts having no more than one county the county committee shall constitute the congressional district committee and such committee, in addition to the county chairman and the county vice-chairman, shall elect a district chairman and a district vice-chairman who shall represent such district in the state central committee. The county committee shall be composed of the precinct committeemen and the precinct vice-committeemen to be elected from the several precincts of each county. . . . The city committee shall be composed of the members of the county committee residing in such city and representing precincts which may be wholly or partly within such city. . . . The precinct committee shall be composed of the precinct commit-

teeman and the precinct vice-committeeman and such other persons as may be designated and appointed by the county chairman."⁴ The precinct committeemen are to be elected at the primary.

"The State Central Committee of each party coming under the provisions of this law is hereby declared to be the highest party authority and may, by proper rules, regulations or resolutions, provide for all matters of party government which are not controlled by this act or by any other statute of the State of Indiana, such rules, regulations or resolutions not to be in conflict with any law of this state. Upon refusal of any member or officer of any political committee of such party to obey or conform to any such rule, regulation or resolution so adopted, such member or officer may be removed by said state central committee, after hearing, upon reasonable notice. Said state central committee shall also have power in its own name to maintain suits in mandamus to enforce obedience to its rules, regulations or resolutions. . . ."⁵

Thus the Indiana law describes the framework of party organization. It gives the committees a hierarchical character, with the personnel resting upon the precinct primaries; it ensures proper discipline by endowing the state committee with supervisory powers; and the simplicity and coherence of the whole structure seem to provide the party voters with the means of absolute control. The formal arrangement could hardly be improved. It is a matter of common knowledge, however, that political institutions rarely conform with the plans of the legislator. "Popular control of party or-

How they
actually
work

⁴ In the above passage reference is made to vice-chairmen and vice-committeemen. These terms were introduced by an amendment of 1919 in order to make room for the equal representation of women. In a later passage the law makes that purpose clear; so do the party rules. Rule 4 of the Republican party lays it down that "selection shall be made so that equality of representation as between men and women shall be preserved on every precinct, county, city, town, district and state committee." Rules 4 and 7 of the Democratic party require the chairmen and vice-chairmen to be of opposite sex.—I have read the election laws of all the states and such party rules as could be obtained by correspondence. From them it appears that a clear majority of the states now give women equal representation on some or all party committees. Men and women alike, however, inform me that the women exercise little influence in most cases.

⁵ The election law of Indiana further provides that "the various committees shall organize by electing a chairman, a secretary and a treasurer, and such other officers or subcommittees as they may deem necessary to perfect their organization. Each of such committees is hereby authorized to fill any vacancy that may occur from time to time by electing a qualified elector of such district or precinct to fill such unexpired term."

ganization through the primary does not exist in Indiana," says Frederic H. Guild,⁶ "has never existed, and, which is more important, has never even been attempted. The so-called democratization of party machinery . . . has been a total failure in Indiana. It is written into the law, but there it has remained—on paper only." Popular control of the state committee depends upon the election of several thousand precinct committeemen; and these committeemen are virtually appointed by the county chairmen, partly because there is no competition for the place—and partly because "the average party voter in most instances has no idea that such a committeeman exists, and certainly has no interest in his selection." The direct primary has not banished machine politics from Indiana, or from any other state; for politics takes its tone from men and not from laws. It is always more important to understand the living forces at work within an institution than to be familiar with its structural details; more important, and vastly more difficult. The following sketch of state party organization, which is based mainly on statutes and party rules, must be taken as presenting not so much the flesh and blood as the bare skeleton of the subject.

General
features
of organ-
ization: the
precinct

Party organization begins with the precinct or election district, the smallest political division of the state. There, at a designated polling place, the voter casts his ballot on primary and election day. In New England each town or ward forms a precinct unless the selectmen or city officials divide it into smaller areas.⁷ This holds true in several other states. Generally, however, the law requires the boundaries to be rearranged from time to time so that each precinct shall have approximately a stated number of voters.⁸ In California the number is 200; in Indiana, 250; in Washington, 300; in Ohio, 250-400; in Colorado, 300-500; in New York, 450; in Wisconsin and North Dakota, 500; in New Jersey, 250-600; in Illinois, 500-800. In

⁶ "The Operation of the Direct Primary in Indiana," *Annals of the American Academy*, Vol. CVI (1923), p. 117.

⁷ In Connecticut the selectmen shall provide one polling place for each 150 or, in certain cases, 250 voters. In Massachusetts the town may direct the selectmen to provide "convenient" voting precincts, and city wards may be divided into precincts containing not more than 2,000 voters. In Maine city wards may be divided into "not more than three convenient polling places." In New Hampshire any town may vote to establish "additional" polling places, but all ballots must be assembled at the central polling place for the count.

⁸ In Pennsylvania the size of the election district (precinct) is determined by the Court of Quarter Sessions. Texas, Virginia, and West Virginia also entrust this function to the courts, but subject to legal prescriptions. In Delaware and South Carolina the boundaries of the precincts are fixed by law.

determining the number consideration is given to the fact that the polling place must be accessible and that an arrangement which would suit larger cities would entail hardship upon the scattered population of the countryside. The number, if uniform, must be small; or a distinction must be made between country and city. Such a distinction is not infrequent. Thus, Ohio permits townships with less than the normal minimum of two hundred and fifty voters to compose separate precincts. In the urban areas of West Virginia a precinct contains 600-800 voters; elsewhere, 200-700. For cities of the first class Wisconsin raises the maximum from 500 to 800. For city precincts Virginia fixes a maximum of 1,000 voters and Massachusetts 2,000; but magisterial districts in Virginia and towns in Massachusetts may be divided as circumstances suggest. When voting machines are used, instead of paper ballots, the law prescribes a considerable enlargement of the precinct: in Ohio to 800 voters (as against the normal 400) if one machine is used; 1,400 if two are used.⁹ What body is empowered to divide or combine precincts? Usually the county board of supervisors or city council; sometimes the board of elections; rarely the courts. When shall they act? "At their discretion," in Nebraska; "whenever necessary," in Colorado; before the biennial election; annually in New York; more commonly, when the vote in any election indicates the propriety of a change—in New Jersey, two successive elections.¹⁰

There are approximately 125,000 voting precincts or election districts in the United States. By actual count the number was 120,187 in 1932; 127,245 in 1940.¹¹ Formerly the local affairs of the party

The precinct committeeman

⁹ New Jersey: one machine, 750; two machines, 1,000; three, 1,500. New York: one, 700; two, 1,000. Enlargement of the precincts means reduction of costs. It has been estimated officially in Buffalo that machines pay for themselves in seven years.

¹⁰ The injunctions of the law are frequently ignored. In Wisconsin, Professor J. P. Harris observes (*Election Administration in the United States*, 1934, p. 208), "public officers disregard the state law requiring precincts to be divided when they reach 500 voters, and in practice permit precincts to contain as many as 2,000 voters, many precincts running over 1,000 voters." Professor H. F. Gosnell found that in Chicago 539 precincts fell below the prescribed minimum of voters and that 104 exceeded the maximum (one of them by 70 per cent). *Machine Politics: Chicago Model* (1937), p. 52.

¹¹ As already indicated, the number of voters assigned to each precinct differs widely among the states. This appears by comparing states as to the total number of precincts and population in the year 1940: Kentucky, 4,341 precincts and 2,845,000 population; Iowa, 2,453 precincts and 2,538,000 population; Missouri, 4,479 precincts and 3,784,000 population; Kansas, 2,734 precincts and 1,801,000

were entrusted to a "precinct leader" or "election district captain," in most cases appointed by a higher authority. Election at the primary, for a period of two years,¹² has now become almost universal, the chief exceptions being found in cities like New York and Chicago.¹³ After the enfranchisement of women, a new tendency appeared. In half the states, approximately, a man and a woman are elected;¹⁴ and sometimes, when no other provision is made for the representation of women, the party rules permit the county chairman to appoint associates or "helpers." Even though only one person is elected, he bears, in most states, the title of precinct committeeman because he is a member of the county committee.¹⁵ In the party organization the precinct committeeman holds a place which, if insignificant to the casual eye, is really of capital importance. Wherever the so-called party machine has survived the changing, and perhaps transitional, conditions of our political life,¹⁶ he may be, in the words of Frank R. Kent,¹⁷ "its bone and sinew, its foundation and the real source of its strength." For it is in his little bailiwick that the organization establishes intimate contact with the voters.¹⁸

population. California had (1940) 13,692 precincts; Maine, 629; Maryland, 1,331; Massachusetts, 1,810; Pennsylvania, 8,118; South Carolina, 1,277; Wisconsin, 3,038. Population of California, 6,907,000; of Pennsylvania, 9,900,000.

¹² One year in New Jersey, where the county committee may substitute a different unit for the precinct; and one year in New York, unless the county committee prescribes two years at least six months before the election.

¹³ In New York the assembly district leader appoints two election district captains, a man and a woman.

¹⁴ In North Carolina (Democratic rules) a committee of five is elected at the primary or the county conventions. One of the five must be a woman. In South Carolina (Democratic rules, 1938) the "party club" (of the precinct) elects four or more officers and two committees, of at least three members each. The law of Arizona requires the election of one precinct committeeman for every 75 party voters, and one more for a remaining major fraction.

¹⁵ Other names are used occasionally, such as election district captain or (in Texas) precinct chairman.

¹⁶ Bosses and machines are discussed in Chapters XVI and XVII.

¹⁷ *The Great Game of Politics* (1923), p. 1. Speaking of Philadelphia, Professor J. T. Salter says that the precinct leader is "the most vital factor in twenty-nine out of thirty elections in normal times" and that he is "the personal sales agent of the party, who not only visits his sales territory, but lives in it." *Boss Rule: Portraits in City Politics* (1935), p. 22.

¹⁸ The precinct captain, says Professor H. F. Gosnell, is the backbone of any metropolitan political organization, since it is he who meets the voters personally and wins their support. "Political machines keep their grip upon the voters because they take pains to establish and maintain face-to-face contacts

It is his most obvious duty to see that every adherent of his party meets all the requirements for voting—completing the process of naturalization, for example—and that he finally registers. In confidential instructions to county chairmen the Republican state chairman of Oregon emphasizes this point as well as the desirability of getting every Republican voter to the polls “before ten o’clock in the morning, if possible.” But, important as elections are, the party machine is likely to be still more concerned about the primaries. Although strict propriety, no doubt, would require party officers to treat the Trojans and Tyrians of primary warfare without discrimination,¹⁹ the machine or organization has everything at stake in the primary. While it can, like the Republican machine of New York county, survive repeated defeats in the elections, defeat in the primaries, where the party officers are chosen, may mean extinction; and, unless it can control nominations, it cannot get possession of the coveted campaign funds. The precinct committeeman must deliver the primary vote to the organization. That is his supreme task. If he fails, he ceases to be committeeman; he sacrifices the prospect of political advancement; he loses in time his city or county job.²⁰ To him failure may seem a catastrophe, for he is either beginning to build a political career—the most engrossing of all games having taken possession of him—or he is using politics to forward his career in some other field.

Success is won by tireless effort. He gives almost his whole time to forming acquaintance among the voters of the party—getting to know them, their business, their tastes and inclinations, their vul-

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with individual citizens. An enterprising ward committeeman has to be constantly on the alert to weed out indifferent precinct captains and discover new ones who will carry their precincts. Consequently the turnover among precinct captains is unusually high.” *Machine Politics: Chicago Model* (1937), p. 51. “Whenever there is a shift in the fortunes of the two major parties, many precinct committeemen belonging to the losing party desert their party as rats scramble from a sinking ship.” *Ibid.*, p. 53.

¹⁹ The New York election law does, indeed, prohibit all party committees from spending money “in aid of the designation or nomination of any person to be voted for at a primary election, either as a candidate for nomination for public office, or for any party position.”

²⁰ According to Professor H. F. Gosnell, almost three-quarters of the Democratic precinct captains in Chicago held public jobs in 1936; less than one-fifth of the Republican captains. *Machine Politics: Chicago Model* (1937), pp. 54 and 56. In Philadelphia D. H. Kurtzman (*Methods of Controlling Votes in Philadelphia*, 1935) found that 48 per cent of the Republican captains held public jobs in 1932. *Ibid.*, p. 35.

nerable spots. He is precinct committeeman because he knows how to get votes.²¹ He offers himself as a very present help in time of trouble. Through him the man who has a grievance against some branch of the city administration, who has been oppressed by a building inspector or forced to pay tribute for his fruit-stand permit, finds a short cut to redress. The unfortunate get employment with the gas company, street railway company, or some other public utility which is dependent upon political favor; or small loans to tide them over an emergency; or, perhaps, shelter, fuel, and food.

²¹ The late Senator Plunkitt, for many years Tammany leader of the fifteenth assembly district in New York, has explained how vote-getting gave him his start in politics (William L. Riordon, *Plunkitt of Tammany Hall*, 1905, pp. 14-17). "After goin' through the apprenticeship of the business while a boy by workin' around the district headquarters and hustlin' about the polls on election day, I set out when I cast my first vote to win fame and money in New York politics. Did I offer my services to the district leader as a stump-speaker? Not much. The woods are always full of speakers. Did I get up a book on municipal government and show it to the leader? I wasn't such a fool. What I did was to get some marketable goods before goin' to the leader. What do I mean by marketable goods? Let me tell you: I had a cousin, a young man who didn't take any particular interest in politics. I went to him and said: 'Tommy, I'm goin' to be a politician, and I want to get a followin'; can I count on you?' He said, 'Sure, George.' That is how I started in business. I got a marketable commodity—one vote. Then I went to the district leader and told him I could command two votes on election day, Tommy's and my own. He smiled on me and told me to go ahead. If I had offered him a speech or a bookful of learnin', he would have said, 'Oh, forget it!'

"That was beginnin' business in a small way, wasn't it? But that is the only way to become a real lastin' statesman. I soon branched out. Two young men in the flat next to mine were school friends. I went to them just as I went to Tommy, and they agreed to stand by me. Then I had a followin' of three voters and I began to get a bit chesty. Whenever I dropped into district headquarters, everybody shook hands with me, and the leader one day honored me by lightin' a match for my cigar. And so it went on like a snowball rollin' down hill. . . . Before long I had sixty men back of me, and formed the George Washington Plunkitt Association.

"What did the district leader say then when I called at headquarters? I didn't have to call at headquarters. He came after me and said: 'George, what do you want? If you don't see what you want, ask for it. Wouldn't you like to have a job or two in the departments for your friends?' I said: 'I'll think it over; I haven't yet decided what the George Washington Plunkitt Association will do in the next campaign.' You ought to have seen how I was courted and petted by the leaders of the rival organizations. I had marketable goods, and there was bids for them on all sides, and I was a risin' man in politics."

In time Plunkitt went to the state assembly, the board of aldermen, and state senate; became district leader; "and so on up and up till I became a statesman." At one time he held four offices and drew three salaries.

If a staunch party man has got into the clutches of the police, if he has been arrested for breach of the peace or carrying concealed weapons, a timely word to the desk sergeant may keep his name off the blotter. If intervention with the police comes too late, there is a private interview with the magistrate; the case is dismissed, or a light fine imposed. "The division of responsibility for the enforcement of the criminal law," says Professor Gosnell,²² "makes it possible for the 'fixer' to do his work at a number of different stages during a trial. The police may fail to secure convincing evidence, the state's attorney may fail to prosecute, the court clerk may change the charge, the bailiff may fail to apprehend the defendant who has jumped his bail, and the judge has a variety of ways of mitigating the rigors of the law." The precinct committeeman is a tribune of the people. Especially in the great cities, where the complex mechanism of government, the intricacies of countless laws and ordinances, confuse and baffle men of the ordinary run, his help is continually being sought. He counsels the perplexed. He straightens out difficulties. He furnishes legal advice. When his own resources are insufficient, he applies to his immediate superior, the ward leader or the county chairman. He does not go away empty-handed, for every service that contributes to his hold over the precinct strengthens at the same time the position of the leader.

In one way or another he wins the gratitude and good-will of numerous voters. He can often rely absolutely upon their readiness to vote according to instructions in the primary. Now, throughout the country less than half the registered voters take the trouble to attend the primary; and, if 200 Republicans register in the precinct, the committeeman can control the primary with fifty or sixty followers. He accumulates these in a methodical fashion. His mother and father, his brothers and sisters form the nucleus, perhaps. Patronage adds a few more; the two election judges and one ballot clerk, who are appointed on his recommendation, and the tenant of the small shop that is rented as a polling place may be relied on, with their families, to furnish six or ten votes.²³ There may be in the pre-

How he
controls
the pre-
cinct

²² *Machine Politics: Chicago Model* (1937), p. 79.

²³ "In counties where the county court is Republican," said the confidential instructions of a state chairman of Oregon, "arrangements should be made to let each precinct committeeman recommend the judges and clerks of election to serve in his precinct, and this recommendation should be followed. In endorsing the candidacy of any person for an appointive office, such person should first receive the endorsement of the precinct committeemen most directly interested: the county chairman, secretary and state committeeman should then

cinct men who hold federal or state or county offices. These attend the primary and support the organization;²⁴ through family and other connections they command a considerable number of voters. But the greater part of the sixty votes that the committeeman needs come as a sort of return for services rendered, as an expression of gratitude and confidence from the people he has befriended.²⁵ He has probably earned it. Politics is an exacting vocation. Wherever partisanship runs strong and emphasis is laid upon organization the job of the precinct committeeman is far from being a sinecure.

He links the lower ranges of the organization with the individual

endorse, and with these endorsements the state chairman and the national committeeman will lend their endorsements and active assistance as a matter of course. A determined effort should be made to secure the active co-operation and participation of all office-holders of our party in our work. This is most important."

²⁴ "Practically all of them," says Frank R. Kent (*The Great Game of Politics*, pp. 9-10). "vote strictly party tickets with unvarying regularity. Moreover, through family or other ties, every one of them is able to influence from two to ten votes besides his own. Some of them, of course, control a great many more. Five is the average. This means a powerful army. It is a lot of votes. They are divided between Republicans and Democrats, but the number is great enough to give each of them an exceedingly formidable force. They constitute the shock troops of the organization—the rank and file of the machines. The potent thing politically about these men is that they vote. That is the real secret of machine power. They do not talk politics and then fail to register. Nor do they register and then fail to vote. Nor do they, when they vote, spoil their ballots. Every election day, regardless of wind or weather, 'hell or high water,' they march to the polls, cast their straight organization ballots, and they are counted. As voters they are 100 per cent effective. Besides, they see that the voters they are supposed to influence or control likewise go to the polls. Voting is a business matter with them and they attend to it. But the overwhelming big thing is that they are primary-election voters—not merely general election voters."

²⁵ The politicians, says Professor J. T. Salter (*Boss Rule: Portraits in City Politics*, 1935, pp. 17-18), "all have one function in common—they serve the people. And whenever one finds a powerful party organization in a great metropolitan center one will feel that a large part of its strength is due to the personal service it renders to its constituents—service which pricks the attention of the voters amid the buzzing confusion of life in a city. What the service depends finally upon the wants of a people in a given area. The party organization is strongest where the needs of the voters are most compelling. This explains why the most thoroughly controlled districts in either New York, Chicago, Philadelphia, or any large city are nearly always likely to be those districts in which there is most unemployment, most conflict with the law, most difficulty in paying rent, buying food, and securing the other necessities of life; and these areas are more often than not districts in which a preponderant number of foreign-born or colored people live."

voter. Above him are numerous committees that correspond to the more important electoral areas. Of these the most active and powerful are the county committees (outside of New England) and state committees. In large cities, where population is concentrated in a relatively small area, the ward or assembly district holds a place of great significance, between precinct and county, as a base of party operations. Occasionally a city committee appears instead of the county committee, being composed of the precinct committeeman within the city limits or the members of the ward committees. Generally the county committee consists of one or two (a man and a woman) committeemen, chosen in each precinct by direct primary.²⁶ In the two still remaining "convention" states—Connecticut and Rhode Island—and also in Arkansas, Nevada, and Mississippi election lies with the county convention, which in a few other states chooses the county chairman; in Maine, with the state convention; in Michigan and Vermont with the nominees for county offices; in New Hampshire with such nominees and county delegates in the state convention. The term is usually two years; in New Jersey and New York, one year; in several Southern states four years. In view of the large number of offices and contracts for public works of which the party may dispose, the county chairman often becomes a dominant figure, holding office over a long period and wielding the authority of a benevolent despot;²⁷ or he may be merely the henchman of the real county boss.

The state central committee crowns the edifice of local party organization, its personnel being renewed every two years.²⁸ The unit of representation is, in order of their frequency of occurrence, the congressional district, county, and senatorial district. The methods of choice show great variation. The members may be elected by direct primary, by state conventions, by county conventions, by candidates for state and legislative office forming a party council,²⁹

State
committee

²⁶ After the adoption of woman suffrage the practice of providing for a woman as well as a man from each precinct gained favor for obvious reasons. It had the unhappy effect of doubling the size of county committees—say, from twenty-five to fifty or from forty to eighty. Of course, the bigger the committee, the easier it is to manipulate. Bosses prefer big committees, which have at the same time a polite "democratic" front.

²⁷ In a number of states his position is strengthened by the fact that he is *ex officio* a member of the congressional district committee and even of the state committee.

²⁸ In New Jersey, every three; in some states of the Border and Solid South (Florida, Kentucky, West Virginia, Mississippi, Virginia), every four.

²⁹ California, Minnesota, Wisconsin, Vermont.

by committees of the county or congressional district; they may be the chairmen of all county committees or even, as in New Hampshire, all county committeemen. There is a growing tendency to give equal representation to the two sexes; where that is not done, certain offices, such as vice-chairmanships, may be reserved for women. It may be well to illustrate the diversity of practice. The committee is composed in Kansas and Colorado of county chairmen and vice-chairmen (these being women), in Indiana of congressional district chairmen and vice-chairmen; of a man and a woman elected by direct primary from each county in New Jersey, from each congressional district in Ohio; in North Carolina, according to Democratic rules, of six men and six women from each congressional district, nominated by district delegates in the state convention;³⁰ in South Carolina, of one from each county, chosen by the county convention, and a chairman, chosen by the state convention; in Iowa of two persons, in Michigan of two men and two women from each congressional district, chosen by the state convention. Although the size of the committees has increased since the advent of woman suffrage, half of them still have less than fifty members; a third, less than thirty. On the other hand, a third of them have over a hundred members—in New York, 300; in New Hampshire (Republicans), 593; in California, 670. When the size becomes unmanageable, the real conduct of business falls into the hands of the chairman and an executive committee (of seven members in Kansas). The committee is empowered frequently to expel disloyal members, and sometimes to control other committees.³¹

³⁰ According to the Republican rules of North Carolina, four from each congressional district and one more for each 5,000 Republican voters over 10,000, elected by congressional district conventions. Along with the chairman, vice-chairman, male and female members of the national committee, and permanent chairman of the last state convention, the state committee has now a membership of 961, as against the Democratic membership of 132. In Virginia the Republican committee includes one from each congressional district, chosen by district conventions, and ten at large chosen by the state convention. The Democratic committee has eighty-one members—nine from each congressional district, chosen at the state convention.

³¹ Thus, in Pennsylvania it "may make such rules for the government of the party in the state, not inconsistent with laws, as it may deem expedient." In Maryland it is "the governing body for the whole state of each of the parties subject to the Act." In California it may remove any one of its own members who affiliates with, or who supports the candidate of, another party. For Indiana, see p. 397 *infra*. In Colorado the state committee has "full power to pass upon and determine all controversies concerning the regularity of the organization

The state central committee is charged by law—or, in the absence of law, by party rules—with the performance of certain duties with respect to primaries and conventions. These duties, though generally of minor account, have a wide sweep in the South and in a few Northern states. Where the party may nominate either by convention or direct primary,³² the decision rests with the state committee. In Arkansas, Georgia, South Carolina, and Texas party officials conduct and pay the expenses of the primary; in Alabama, Mississippi and Virginia conduct it at public expense. In the states of the Solid South the committees may require registered voters to meet further requirements before being admitted to the primary. Everywhere the committee is empowered to fill vacancies caused by the withdrawal or death of party candidates for state office. It is in the conduct of the election campaign, however, that the committee comes into greatest prominence. Factional struggles in the primary or convention have been brought to an issue; the candidates have been named, the platform adopted; and now the party once more closes its ranks to meet its rival at the polls. The state committee takes command. It collects and spends a good deal of money; settles, in consultation with the gubernatorial candidate, the tactics that shall be pursued; arranges for the holding of rallies, the distribution of literature, and the other activities that are devised to influence public opinion. The chairman directs operations; and with him is associated an executive committee.

The state committee maintains fairly close relations with the national and local organs of the party. In a presidential year party resources are absorbed in the contest for the presidency, which overshadows local interests; for the time, at any rate in doubtful states, the national committee draws all lesser bodies into its orbit and, without being invested with any formal right of command, exercises a predominant influence. Nor is contact broken in the period between presidential elections. The Washington headquarters keep in communication with the various state headquarters; the national chairman, in his journeys about the country, strengthens the bonds of association through personal intercourse with state chairmen; and the national committeeman always stands close to the state committee, sometimes, indeed, being *ex officio* a member of that body. Within each state the different party authorities—in state, congress-

of that party” and to make rules for party government, subject to the superior authority of the state convention.

³² Alabama, Arkansas, Delaware, Georgia, South Carolina, and Virginia.

sional district, county, and precinct—are seldom coördinated by law or party rules in such a way as to ensure smooth coöperation. It is true that the Indiana law (quoted above) describes the state committee as “the highest party authority” and authorizes it to formulate rules which the members of other committees must obey under pain of removal. Likewise in Colorado “the state central committee shall have full power to pass upon and determine all controversies concerning the regularity of the organization of that party . . . and also concerning the right to use the party name, and may make such rules governing the method of passing upon and determining such controversies as it may deem best, unless such rules shall have been theretofore provided by the state convention of such party, and all such determinations upon the part of the state committee shall be final,” although the committee is subject to the authority of the state convention. In Louisiana the state committee “shall direct and order the manner in which all subordinate or local committees shall be organized and constituted.” In West Virginia “the state executive committee of each party may make such rules for the government of such party, not inconsistent with law, as may be deemed expedient.” In Maryland the state central committee is “the governing body for the whole state.” In Rhode Island it “may make rules not inconsistent with law for the guidance and control of the several town and city committees.” Such provisions, though not commonly found in the statutes, are characteristic of party rules in the Solid South³³ and in the two “convention” states,³⁴ where the parties retain much of their original freedom as voluntary associations. It is also true of some ten states that the committees, in a pyramidal series, are related in personnel. Thus, in Indiana the precinct committeemen, elected at the primary, form the county committee, the county chairmen form the congressional district committee, and the congressional district chairmen form the state committee.

³³ In Virginia the Republican rules provide that the state committee “shall formulate and provide for the execution of such plans and measures as it may deem conducive to the best interests of the Party”; and that the state executive committee “shall decide all questions at issue in any election district, and all matters of variance in the Party . . . , calculated to affect the efficiency of the organization or the success of the Party.” The Democratic rules provide that the state committee “shall have entire charge and full control of all party matters arising throughout the state” and that, when the state convention is not in session, it shall be vested with all powers inhering in the Democratic party of Virginia.

³⁴ Connecticut and Rhode Island. New Mexico abandoned conventions in 1938.

But concatenation of this sort, which should minimize discord in party counsel,³⁵ is exceptional. Usually the state central committee has an independent origin, being chosen by direct primary or by convention. In personnel it stands utterly apart from the local committees, although, from the standpoint of efficiency in party management, these should be subordinated to the state committee or at least related to it by the closest ties. Nor does it often occur that they are subordinated to it by definite provisions in the law or in party rules. The extent of its authority, therefore, and the degree to which it can bind county organizations to a common purpose and direction vary with circumstances. If the party is united and harmonious, if there is a considerable amount of patronage to distribute, and if some individual has attained a recognized position as state leader, the hegemony of the state committee is not likely to be questioned.

Without personal leadership of some kind the party cannot attain full combative vigor. Armies led by a council, Bryce says, seldom conquer. The state committee would be a poor instrument of command. It might be assumed that the chairman, absorbing the power of the committee, would establish himself as state leader. Sometimes he does. As state chairman, Blaine ruled the Republicans of Maine for twenty years. But Kent is not far wrong in saying that "actually the state chairman, in 99 out of 100 cases, instead of being a real leader, is simply a figurehead, a politically dominated man, controlled by the real leader, whose influence made him chairman and who can as easily retire him. In every state the members of the state central committee are 'hand picked' and 'hard boiled.' They are absolutely controlled by the boss, who holds control of the machine just as long as and no longer than he holds control of the committee."³⁶ It was not the state chairman but Brennan in Illinois and Taggart in Indiana who bossed the Democratic party. The passing of Platt's power in New York was marked by the forced retirement of the chairman. In 1904 Governor Odell, Platt says,³⁷

The chairman not the state leader

³⁵ Yet a state chairman of Oregon has informed me that, in spite of the hierarchical relationship of the committees, "organization of sufficient influence to make itself felt" is impossible under the direct primary.

³⁶ *Op. cit.*, p. 143.

³⁷ *Autobiography* (1910), pp. 446-447. Odell himself assumed the chairmanship, but, to soothe Platt's feelings made the following written agreement: "At a conference . . . between Senator Platt, Governor Odell, Colonel Dunn and many other prominent Republicans, it was, after a full exchange of views, and after statements by both the Senator and the Governor, unanimously agreed that

"formally made the demand for Colonel Dunn's head. Dunn, wearied with hectoring and bickerings, despite my protests, declined to be a candidate for reelection." In 1926, when Governor Smith was the acknowledged Democratic leader, it was understood that the committee merely ratified his choice in electing a new chairman, and at the same time the state chairman and other Republican politicians made a pilgrimage to New York City to receive advice and instructions from the state leader, Senator James W. Wadsworth.³⁸

Leadership
may rest
with
governor
or U.S.
senator

If the leader is seldom the titular head of the party organization, where should we look for him? In the Australian states or the Canadian provinces the premier leads one party and the alternative premier, sitting on the opposition benches in the assembly, leads the other. Leadership functions within the organs of government. Here the governor sometimes gets control of his own party; for, like the President in the national field, he has extensive constitutional powers; he has patronage at his command; and means of enlisting popular support.³⁹ This is less likely to occur where the term of office is only two years, as in half the states. In New York neither Roosevelt (elected in 1898) nor Hughes (elected in 1906 and 1908) broke the grip of the Republican machine;⁴⁰ and in 1913, when William Sulzer, a man much their inferior in intellect and character, set out to be governor in fact as well as name, the Tammany machine had him impeached and removed from office.⁴¹ Smith of New York and

Senator Platt should remain, as he has been in the past, the active leader of the party. It was further agreed that the Governor should be elected as chairman of the State Committee to be chosen at the approaching State convention in April. It was further agreed that wherever there were local contests for leaderships, there should be no interference in favor of or against any one either by Platt or Odell."

³⁸ During his examination in the case of *Barnes v. Roosevelt* (1915) William Barnes, Jr., said that Timothy L. Woodruff, state chairman, was not the state leader in 1906. "The question of leadership," he said, "is determined at a state convention. The man whose will prevails there, the man with the most persuasive force, is accepted as leader." *New York Times*, May 14, 1915. Barnes himself, when state leader, served as chairman for a time.

³⁹ In 1941 Governor Charles Edison of New Jersey wrested the Democratic leadership from Frank Hague. See p. 412 *infra*.

⁴⁰ "The bosses were never overcome in a fair fight, when they made up their minds to fight, until the Saratoga convention in 1910 nominated Mr. Stimson for governor." *Theodore Roosevelt: an Autobiography* (1913), p. 286.

⁴¹ He was found guilty of filing and swearing to a false statement of campaign expenses and of using campaign contributions for private speculations. One of

La Follette of Wisconsin, one holding the office of governor for four terms and the other for three, became the acknowledged leaders of their respective parties. The latter, as United States senator, continued to be the dominant figure in Wisconsin politics until his death in 1925. The six-year term of a United States senator and the federal patronage which he enjoys give him, notwithstanding long absences in Washington, an advantage over the governor in the conquest of political power. Senator Conkling and Senator Platt successively dominated the Republican party in New York. For seventy-five years the Republican machine of Pennsylvania was ruled by senators: Simon Cameron to 1877, his son Donald Cameron to 1887, Matthew Quay to 1904, and Boies Penrose to 1921, an unbroken succession. No one has inherited the mantle of Penrose; and among Democrats Senator Guffey's bid for leadership has faltered.

But the leader or boss may occupy no public office of any kind and no party office that is known to the law. This was the case with Roger Sullivan, Democratic boss of Chicago and Illinois; it was the case with George E. Brennan, who succeeded him in 1920.⁴² Charles F. Murphy, Democratic boss of New York county and eventually of the state, was not even chairman of the executive committee of Tammany Hall or Grand Sachem of the Tammany Society; he held, by virtue of his own prowess and the support of the district leaders, an unsalaried and unofficial post—he was simply “leader.” Arthur C. Townley governed North Dakota from his vantage point as presi-

Or with
someone
holding
no office

the charges—strange enough as coming from Tammany—alleged that he had used his power as governor to influence the political action of certain public officers. “Every citizen knew that, if Sulzer had obeyed Murphy, his shortcomings would not have been his undoing.” S. P. Orth, *The Boss and the Machine* (1919), p. 128.

Some of Sulzer's testimony was of a most interesting description. “Mr. Sulzer quoted Mr. Murphy as saying to him, ‘Why did you send that telegram to the Canal Board? You have no right to butt in on things that don't concern you. I'm attending to that matter, and I want you to keep your hands off. If you are going to begin this way, I see now where you will end as governor. You do what you are told hereafter, and don't take any action on matters that don't concern you without conferring with me.’ When Mr. Sulzer said he was going to be governor, Mr. Murphy (so Sulzer testified) replied. ‘So that is the way you understand it? Well, if you go along that line I can see where you will end up damned quick. You are going to be governor? Like hell you are!’” Gustavus Myers, *The History of Tammany Hall* (ed. of 1917), p. 368. See Jacob A. Friedman, *The Impeachment of Governor William Sulzer* (1939).

⁴² Brennan did, however, become Democratic candidate for the U.S. Senate in 1926.

dent of the Nonpartisan League; and William U'Ren, of the People's Power League, was said to carry the state of Oregon under his hat.

Downfall
of Hague

The eclipse of Frank Hague, Democratic boss of New Jersey for a quarter of a century, caused something of a sensation in July, 1941. It showed the strategic value of the governor's office. For seven consecutive four-year terms Hague had been elected mayor of Jersey City; for nineteen years he had sat on the national committee. With a salary of only \$8,000, he had amassed a large fortune, the source of which a legislative investigating committee could not discover.⁴³ Charles Edison was now governor. In defiance of Hague he secured the passage of certain railroad-tax bills, within seven months of his inauguration. At first Hague fought back; he threatened to take the issue before the people. But, a few days later, he abdicated the leadership, conferring it on the governor. This was Edison's comment: "The mayor is presuming to give me something which it is not within his power to give. By his election a governor naturally acquires a degree of leadership in his party. I have tried to exercise it for constructive purposes."⁴⁴

It must not be supposed that there is always an acknowledged state leader or an effective state boss. The state is a large area to be dominated by a single will under a system of government that discourages the development of leadership. The county lends itself more readily to centralized organization. It may safely be said that the existence of a county leader or boss, whether in rural or urban areas, is rather the rule than the exception; and the chairmanship of the county committee is not infrequently the seat of power.

⁴³ Dayton David McKean, *The Boss: The Hague Machine in Action* (1940).

⁴⁴ On this episode see the *New York Times*, July 23-28, 1941.

Chapter XVI

THE BOSS

"What is the government of this state?" Elihu Root asked in an address before the New York constitutional convention of 1915.¹ "What has it been during the forty years of my acquaintance with it? The government of the constitution? Oh, no; not half the time, nor half way. . . . From the days of Fenton, and Conkling, and Arthur, and Cornell, and Platt, from the days of David B. Hill, down to the present time, the government of the state has presented two different lines of activity, one of the constitution and the statutory offices of the state, and the other of the party leaders—they call them party bosses, they call the system—I do not coin the phrase, I adopt it because it carries its own meaning—they call the system 'invisible government.' For I do not remember how many years Mr. Conkling was the supreme ruler of this state. . . . Then Mr. Platt ruled the state; for nigh upon twenty years he ruled it. It was not the governor; it was not the legislature; it was not any elected officers; it was Mr. Platt. And the capital was not here [at Albany]; it was at 49 Broadway; with Mr. Platt and his lieutenants. It makes no difference what name you give, whether you call it Fenton or Cornell or Arthur or Platt, or by names of men now living. The ruler of the state during the greater part of the forty years of my acquaintance with the state government has not been any man authorized by the constitution or by the law; and, sir, there is throughout the length and breadth of this state a deep and sullen and long-continued resentment at being governed by men not of the people's choosing. The party leader is elected by no one, accountable to no one, removable by no one."

Boss rule
in New
York

In this address Senator Root was advocating constitutional changes that would facilitate the growth of responsible leadership within the government. He wanted to "destroy autocracy and restore power, so far as may be, to the men elected by the people, accountable to the people, removable by the people." It will be ob-

Is there a
difference
between
"boss" and
"leader"?

¹ *Addresses on Government and Citizenship* (1916), pp. 201-202.

served, however, that, in referring to party autocrats like Platt and Hill, he employed the terms "boss" and "leader" as synonyms, or at least did not think it necessary to distinguish between them. Can such a distinction properly be made? The word "boss," originally applied to a person employing a force of unskilled laborers, came into our political vocabulary in the days of the Tweed Ring.² In popular usage it carries a derogatory implication; as the late Senator Penrose once observed, men are apt to be leaders to their friends and bosses to their enemies.³ But why should there be a sting of opprobrium in being called a boss? What are the special marks of a boss that are supposed to set him apart from the "leaders" and cover him with distrust and suspicion? It is not easy to answer the question; for a satisfactory answer could be found only by analyzing the characteristics of bosses—that is, of the men who, in the general estimation, have merited the title—and by determining which of these characteristics, being inconsistent with true leadership, are peculiar to the boss.

No precision in use of the terms

The problem is complicated by the fact that no more exact meaning attaches to "leader" than to "boss." In contrasting the two terms we usually have in mind, as to the former, the ideal, the exemplar, rather than the average type. The boss, after all, is frequently a leader of sorts. He is, according to President Goodnow,⁴ "the kind of political leader which the American party system has developed"; according to Elihu Root, an irresponsible autocrat, but still a leader. Roosevelt, giving testimony in court, referred to Platt as "leader or boss of the party, leader or boss of the organization."⁵ It would be

² Matthew P. Breen, *Thirty Years of New York Politics* (1899), p. 31; Ostro-gorski, *Democracy and the Organization of Political Parties* (2 vols., 1902), Vol. II, p. 191.

³ "Such words as 'boss' and 'machine' now imply evil," says Theodore Roosevelt (*Autobiography*, p. 152), "but both the implication the words carry and the definition of the words themselves are somewhat vague. A leader is necessary; but his opponents always call him a boss. An organization is necessary; but the men in opposition always call it a machine. Nevertheless, there is a real distinction between the leader and the boss, between organizations and machines." In the case of *Barnes v. Roosevelt*, when asked if Murray Crane, who had supported him while President, was a boss, Roosevelt said: "I don't think so. I don't think that Massachusetts has bosses in the New York sense. I think he was the head of the Republican machine. . . . The term 'boss' in one locality connoted totally different activities and methods of work from what would be connoted by the term in another locality or in another state." *New York Times*, April 24, 1915.

⁴ *Politics and Administration* (1900), p. 173.

⁵ *New York Times*, April 27, 1915.

absurd to maintain that Richard Croker and Charles F. Murphy were not leaders. These men came to the front and won the support of their fellow-politicians because, in the struggle for supremacy, they had demonstrated their personal force, their strength of will, their sound judgment of men, their reliability—in fact, those natural qualities which are sufficient in themselves without any formal grant of authority. “It was the fighting quality that made Croker what he was,” T. P. O’Connor has said.⁶ “He radiated courage and aggressiveness. The leonine head, the mighty jaw, the penetrating eye, the deep chest, and the commanding voice all bespoke power. . . . [He] was a strong man, a man of courage and deeds and of wonderful capacity to make men love and fear him. The others yielded to the combination most necessary in an organization in which, as in the animal kingdom, the fittest survive.” Townley, of the Non-partisan League, quite generally described as a boss, was at the same time, in the most definite fashion, a leader: the farmers of North Dakota willingly paid their subscriptions of eighteen dollars for the privilege of following him. On the other hand, La Follette, whom the people of Wisconsin elected governor three times and United States senator four times, did not escape denunciation as an autocrat. “There never has been a more absolute boss than La Follette,” said the *New York Times*,⁷ “or a more masterful machinist.”

Roosevelt's
description
of the boss

With his unrivalled knowledge of politics, Theodore Roosevelt understood the danger of generalizations in matters of this kind. He approached the subject with caution. In his *Autobiography*⁸ he was careful to have most of his characterizations apply “sometimes” and to “some bosses.” The boss, he says, “is a man who does not gain his power by open means, but by secret means, and usually by corrupt means. Some of the worst and most powerful bosses in our political history either held no public office or else some unimportant public office. They made no appeal either to intellect or conscience. Their work was done behind closed doors and consisted chiefly in the use of that kind of greed which gives in order that in return it may get. A boss of this kind can pull wires in conventions, can manipulate members of the legislature, can control the giving or withholding of office, and serves as the intermediary for bringing together corrupt politics and corrupt business. If he is at one end of the social scale, he may through his agents traffic in the most

⁶ Quoted in the *Literary Digest*, May 20, 1922.

⁷ Editorial, December 2, 1923.

⁸ Edition of 1914, pp. 152, 153.

brutal forms of vice and give protection to the purveyors of shame and sin in return for money bribes. If at the other end of the scale, he may be the means of securing favors from high public officials, legislative and executive, to great industrial interests; the transaction being sometimes a naked matter of bargain and sale, and sometimes being carried on in such a manner that both parties thereto can more or less successfully disguise it to their consciences as in the public interest. . . . Sometimes the boss is a man who cares for political power purely for its own sake, as he might care for any other hobby; more often he has in view some definitely selfish object such as political or financial advancement." To this may be added the views that Roosevelt expressed during the heat of his struggle with the Old Guard in 1912: ⁹ "The true party leader is the man who tries to lead and not drive the voters and to put into effect their deliberate judgment. He has the right and the duty to go before the voters and try to persuade them, but he has no right, by trickery and violence, to try to impose his own will upon them against theirs. The man who tries to impose his will upon the voters, who tries to do things against the will of the voters, is not a leader—he is a boss."

Stanwood's
description

Edward Stanwood, also a competent observer, expresses in his biography of James G. Blaine somewhat similar views.¹⁰ Blaine was chairman of the Republican state committee of Maine from 1859 until his appointment as secretary of state in 1881. "During more than twenty years he was usually the prevailing force in the state conventions. He dictated platforms; the candidates were, with some exceptions, those whom he favored. He conducted the annual canvass almost autocratically." He controlled the patronage. Altogether he seemed to conduct the same kind of operations as the contemporary Republican boss of New York, Roscoe Conkling. "There is, nevertheless," says Stanwood, "a radical difference between a true political leader and a boss. The essential characteristic of the boss is self-seeking. He may desire to use his political power to enrich himself; or he may appropriate to himself the best offices in the gift of the party; or he may exercise the influence he has obtained simply for the pleasure of exercising it, defend it by striking down all who dispute his supremacy, and let the party go to defeat whenever for the moment he loses control. No one ever suspected or intimated that Mr. Blaine used his ascendancy in the Republican party of Maine for purposes of pecuniary profit. He sought no office

⁹ "The Rank and File," *Outlook*, Vol. CI (June, 1912), p. 248.

¹⁰ *James Gillespie Blaine* (1905), pp. 49-51.

which that party could give him, save his seat in Congress, and for that he was indebted to the people of his district only. Moreover, he never had a competitor for it. Undeniably he enjoyed leadership, as every true leader does. But he neither obtained his position nor kept it by the use of terror or threats, the chief weapons of the boss."

These observations of Roosevelt and Stanwood, when compared, show a substantial agreement. (1) Both refer to the methods by which the boss acquires power—by secret or corrupt means, says Roosevelt; by terror or threats, says Stanwood. (2) Both give prominence to his methods of exercising power—he drives, imposes his will by trickery or violence, says the one; he employs terror or threats, says the other. (3) Both attribute low motives to the boss—he has definitely selfish objects of political or financial advancement or uses power for its own sake; he enriches himself, takes the best offices, or uses power for the pleasure of doing so. Mr. Roosevelt discovers another characteristic: (4) the boss makes no intellectual or moral appeal to the people; he does not fight openly for principle and keep his position by stirring the consciences and convincing the intellects of his followers.

The two compared: their similarity

Now, if these four points were to be examined carefully in the light of known facts, they could scarcely stand as absolute criteria. It could certainly be established that the boss does not always possess such characteristics and that the leader sometimes does.¹¹ The boss, for example, even the Tammany boss, does not always reach his place or keep it by secret or corrupt means. Charles F. Murphy was elected, not by the Democratic voters of New York county, it is true, but by the executive committee of Tammany Hall, the

How the boss acquires power

¹¹ Anyone can recall at random cases in which leaders have exhibited the supposed qualities of bosses. Blaine's name brings to mind the "Mulligan letters"; Roosevelt, though condemning the strong-arm methods of the boss, did not despise the "big stick"; more than one President and governor has secured his nomination by means that would not bear too close a scrutiny; Lincoln, with patronage, bought congressional votes for the admission of Nevada, the new state being necessary to the ratification of the Thirteenth Amendment. McKinley, whose debts were paid by wealthy friends, was criticized as governor of Ohio for being, partly on that account, unduly lenient to great corporations. "There are different kinds of honesty," quoth Morrison, once of the Ways and Means. 'There is this man McKinley; he's honest. There was Randall; he was honest. And, for myself, I reckon I'm honest. But there is this difference. If I were to fall into bankruptcy, no rich men would pay my debts. If I were to die, no rich men would present my widow with one hundred thousand dollars. I'll tell you why. My sort of honesty never did that sort of fellow any good.' A. H. Lewis, *Richard Croker* (1901), p. 347.

district leaders, who had themselves been chosen at the primary. Bringing the Croker régime to an end in May, 1902, the committee first established a triumvirate (Murphy, McMahon, and Haffen) and then, four months later, made Murphy sole leader.¹² The experiment, they said, had "proved the desirability of individual responsibility in leadership." When Murphy died in 1924, there was a period of uncertainty and indecision. It was only after James A. Foley, having been elected, had declined the honor that the choice of the committee fell on Judge Olvany. A month after his sudden resignation, John F. Curry succeeded him, only to be deposed five years later (1934). James J. Dooling (1934-1937) died in office. The executive committee then chose Christopher D. Sullivan by a unanimous vote. In none of these cases has it been said that election was obtained corruptly.

Mistaken
notions

"The leader in politics," says Professor Munro,¹³ "occupies a position that is recognized by the rules and customs of the party organization, and sometimes by the law of the land. He is chosen in a prescribed way and is vested with certain definite responsibilities. But the boss creates his own position; he alone determines its powers, its duties, and its obligations." Were not Murphy and Olvany, bosses of Tammany Hall, chosen in a prescribed way, according to the rules and customs of the party organization? Governor Smith, Democratic leader of the state, was invested with party leadership—with the right to control the state committee and the state convention, as well as public officers who had been popularly elected like himself—by no such formal proceeding. He assumed the position, which Governor Whitman (1915-1918) had left in the hands of William Barnes and which Governors Dix and Glynn (1911-1914) had left in the hands of Charles F. Murphy. Perhaps his popular vote in 1924, exceeding that of the Democratic presidential candidate by three-fourths of a million, may be said to constitute a title to leadership. Penrose, boss of Pennsylvania, had as good a title. He was elected in 1920 to serve a fifth term in the United States Senate by the unprecedented plurality of 583,000.¹⁴

Again, the boss is accused of self-aggrandizement; of loving power for its own sake, of appropriating the most lucrative offices, and of

¹² Gustavus Myers, *The History of Tammany Hall* (ed. of 1917), p. 298.

¹³ *Personality in Politics* (1924), p. 79.

¹⁴ Edward J. Kelly—of the Kelly-Nash machine of Cook county, Illinois—was elected mayor of Chicago in April, 1935, by 799,060 votes to 167,106. He had never before been elected to office.

accumulating a private fortune by corruption. Power may not be the highest object of ambition, but it is the commonest; and, if such ambition is to be regarded as inconsistent with true leadership, the catalogue of bosses must be greatly enlarged. It cannot be said that the bosses have been, on the whole, notorious office-seekers. Abe Ruef of San Francisco never held public office except by illegal appointment as district attorney; back in the nineties George E. Brennan of Chicago had his only taste of office as a clerk in one of the state departments; Charles F. Murphy always looked back with pride to his appointment as dock commissioner in the time of Croker and liked to have his friends address him as "Commissioner."¹⁵ There have been many corrupt bosses, bosses who used politics to advance their material interests. Abe Ruef accepted retainers of \$1,000 and more a month from public service corporations; he received \$14,000 for his part in packing the state convention in the interests of the Southern Pacific Railroad.¹⁶ Senator Quay of Pennsylvania, indicted for the misuse of state funds, escaped trial through the statute of limitations.¹⁷ Richard Croker, who amassed a large fortune, admitted before the Mazet Committee in 1899 that he "was working for his own pocket all the time."¹⁸ Roger Sullivan of Illinois made

Is he
necessarily
corrupt?

¹⁵ Croker was elected alderman twice and coroner twice; appointed fire commissioner (1883) and city chamberlain (1889). Olvany was elected alderman twice, appointed deputy fire commissioner (1910), counsel to the sheriff's office (1913, 1917, 1921), and finally judge of general sessions shortly before his election as leader. Curry served as clerk in the tax department (1897-1902), assemblyman (1903-1905), clerk in the controller's office (1905), deputy public administrator (1923-1932). Sullivan sat in the state Senate, 1907-1916, and thereafter in the House of Representatives. Frank Hague of Jersey City was elected constable and also secured a courthouse job while still under twenty. He became custodian of the city hall (1908), member of the street and water board (1911), one of the five city commissioners (1913), and mayor (1917). For the sixth consecutive time he was elected mayor in 1937 by the greatest majority ever given to a candidate in the city. Though re-elected in 1941, he lost state-wide control of his party.

¹⁶ Frank Hichborn, *The System* (1915), pp. 13 and 15.

¹⁷ S. P. Orth, *The Boss and the Machine* (1919), pp. 130-131.

¹⁸ "Croker's examination before the Fassett Committee in 1890," says Breen (*op. cit.*, p. 757), "disclosed the fact that, although only a short time before in straitened financial circumstances, he was then in the enjoyment of considerable wealth. This sudden jump from indigence to affluence aroused the curiosity of the Committee, and Fassett, who was an up-country statesman, made laudable efforts to unravel the mystery. It was shown clearly that Croker suddenly burst forth into wealth like another Monte Cristo; that he had no business, not even 'private business'; it was certain that he had no mint of his own; and how on earth he 'got it' was a puzzle to the bucolic innocence of Fassett and his Committee. Of course, they had suspicions."

millions out of a public service corporation which thrived on political influence.¹⁹ Joseph Cassidy, who served four years as borough president of Queens county, New York City, must have been a man of extraordinary financial genius. During those four years, though his salary was only \$5,000, he invested half a million dollars in real estate and at the same time managed to live in princely style. In 1914 he was convicted of selling a Democratic judicial nomination for \$30,000.²⁰ But, common as the various forms of graft may be, it is by no means true that all bosses seek material profit. George E. Brennan, reputed to be a millionaire, took his profit in other ways, regarding politics as a great adventure.²¹ Penrose never made a dollar out of politics.²² Roraback, Republican boss of Connecticut for twenty-five years (1912-1937), was president of a utility company. According to Roosevelt,²³ "Senator Platt did not use his political

¹⁹ *Literary Digest*, Vol. LXV (1920), pp. 87-94.

²⁰ New York *Times*, November 22, 1920. No charge of graft has ever been brought home to Frank Hague, boss of Jersey City for a quarter of a century. He has accumulated a fortune. He refused to inform the Case investigating committee, in 1929, where large sums of cash came from; and the courts sustained his stand. "Portrait of a 'Dictator,'" New York *Times Magazine*, February 13, 1938. Tom Pendergast of Kansas City made a fortune from his concrete company and a wholesale liquor establishment. The city has bought a good deal of his concrete. In 1939 he was convicted of income-tax evasion. "Nucky" Johnson, boss of Atlantic City for 30 years, was jailed on the same charge in 1941.

²¹ "I get nothing out of politics," he said (New York *Times*, April 22, 1923), "and there is a lot of hard work and unpleasantness about it. But I play it for the fun and the thrill I get out of it. It is a great adventure." Brennan started as a coal miner. He made his money as the head of a bonding company; perhaps politics helped him there. Tony Cermak, after Brennan's death in 1928, created a far more effective machine. He was suspected of making much money out of the costly criminal court building and additions to the county forest preserves; road construction involved an alleged waste of \$1,677,000, Capone's operations in the underworld may or may not have enriched the boss. After his assassination in 1932 Nash and Kelly took over. Four years earlier, difficulties had arisen for Kelly because Soldiers Field cost \$8,000,000 as against \$1,700,000 for a similar stadium in Los Angeles and because the sanitary district had been defrauded out of \$5,000,000. But indictments against Kelly were dismissed. *Fortune*, Vol. XVI (August, 1936), "The Kelly-Nash Political Machine."—Charles F. Murphy left an estate of \$2,000,000. He always denied having any connection with his brother's rather notorious contracting company. (Myers. *op. cit.*, pp. 309-314.) At the time he became boss he was supposed to have made something like \$400,000 out of his saloons. A man of his sagacity, with so many opportunities, might well have multiplied that sum five times in twenty-odd years without recourse to corruption.

²² Talcott Williams, "Bosses in Pennsylvania: Boies Penrose," *Century Magazine*, Vol. CV (1922), pp. 49-55.

²³ *Autobiography* (1913), p. 284.

position to advance his private fortunes—therein differing from many other political bosses. He lived in hotels and had few extravagant tastes. Indeed, I could not find that he had any tastes at all except for politics, and on rare occasions for a very dry theology wholly divorced from moral implications.” Nevertheless, both Platt and Penrose were corrupt in the sense that they tolerated corruption around them and made use of it in the furtherance of their ambitions.

Bosses are, in fact, of varying types. Not all of them acquire power and use it in dubious ways. Not all of them regard principle and policy as things of little moment, which may be used at times to cloak ulterior designs and outmanoeuvre the opposition. At the same time, allowing for the exceptions, bosses taken in the mass may be said to approximate the character that Roosevelt and Stanwood attributed to them. In the popular mind, vaguely and uncertainly formulated, there is the feeling that the ethical aspect is the vital one, and that the preoccupations of the boss are mainly selfish, looking to the advantage, not of the community, but of the machine, of the boss himself and of the coterie of henchmen who surround and serve him. There is also the feeling that the boss is irresponsible. He seldom holds an elective office which the people, having given it, can take away. Even though his position may theoretically depend upon the support of the party voters in the primary, he may have entrenched himself so firmly through the unscrupulous use of power that revolt becomes hopeless.²⁴ But, if the boss is often unprincipled and irresponsible, emphasis upon that point should not exclude other considerations. He is almost always a man of exceptional gifts, gifts which, notwithstanding all his deficiencies, give him a natural ascendancy over other men.

Some
character-
istics of
the boss

²⁴ For many years Samuel S. Koenig was Republican chairman of New York county. Mrs. J. R. Parsons thus expressed the difficulty of any movement to depose him (*New York Times*, January 21, 1926). “Any man now offering himself as candidate against Mr. Koenig and his powerful backers . . . would arouse the bitter opposition not only of the present entrenched office-holding and office-seeking organization but also of all the other secret aspirants to the position. . . . Immediately following the last election . . . spontaneous uprisings were observed and popular movements were started for the purpose of removing the inefficient leaders and also their important but for the moment amazingly inconspicuous backers. But, as usual, powerful influences were brought to bear to silence the insurgents, while the natural indolence of the many, who have little at stake and see no easy way to victory, caused them to lapse once more into innocuous desuetude.” Mrs. Parsons suggested boycotting all candidates put forward by the county machine and asking President Coolidge to withhold federal patronage.

"Croker, among nearly four millions of people defended by their ballots and with Albany in the hands of his enemies," said Alfred Henry Lewis,²⁵ "has conquered to himself a coign of absolute autocracy. And all without pedigree or pocketbook, or any kindred influence so potent in this town's abjection, wherewith to make his way. Rome in the time of Caesar was a hamlet to New York, Paris in Napoleon's day a village. By their very slanders his foes force Croker's name upon the roster of the world's conquerors, and make him great before his friends have moved. Nor do they solve defeat by epithet. To say that Croker is corrupt, or dishonest, or ignorant, or of inferior and little girth in mentality or morals, is to call him weak five times. None of these is an element of strength; one and all they make for downfall, not success. And as a proposal it seems clear that, once one concedes one's own conquest, whatever of vile weakness one may charge upon one's conqueror, one but makes one's self both viler and weaker still." Nor should the boss be looked upon as an inexplicable vagary in our political life. Leadership is necessary; and, since it does not readily develop within the framework of our government, the boss provides it, in a crude and irresponsible form, from the outside.

THE CAUSES OF BOSSISM

Bryce's explanation
of bossism

Bryce, in his *American Commonwealth*,²⁶ attributed the rise of bosses to four "accidental" conditions of American democracy: the existence of the spoils system; the opportunities for illicit gains arising out of the possession of office; the presence of a mass of ignorant and pliable voters; and the insufficient participation in politics of "good citizens." All four conditions, he said, "are most fully present in great cities. Some of the offices are highly paid; many give facilities for lucrative jobbing; and the unpaid officers are sometimes the most apt to abuse these facilities. The voters are so numerous that a strong and active organization is needed to drill them; the majority so ignorant as to be easily led. The best citizens are engrossed in business and cannot give to political work the continuous attention it demands." These dangerous conditions were reduced to a minimum in rural districts, he believed; the boss could have no occupation in such places; his talents would be wasted there. In other words, observing particularly the city boss, Bryce

²⁵ *Richard Croker* (1901), p. 18.

²⁶ Vol. II, p. 124.

put forward a hypothesis, based on local conditions, to explain him; and, since rural conditions appeared to be quite different, he fell into the not uncommon error of supposing that bossism flourishes in the cities and languishes in the pure, pastoral countryside. The phenomenon is more spectacular in great centers of population like New York and Chicago; it receives advertisement from enterprising newspapers, which burrow into political scandals and social scandals with equal zest; but well-informed persons have come to understand that the rural county is sometimes the darkest region of American politics. Although he moves more in the shadow and employs somewhat different methods, the rural boss is no more rare a species than the city boss.

The impression that rural politics occupies a higher plane than city politics can hardly be supported by the facts. The attitude of many rural voters is conveyed well enough by the remark of a Kansas farmer, when a newspaper correspondent asked him about the probable result of an election. He said: "We'll win sure—if they don't buy us." Some thirty years ago 25 per cent of all the voters in Adams county, Ohio, were convicted of selling their votes, prosperous farmers and even clergymen among them; and it was then said that the situation in neighboring counties was very much the same.²⁷ In 1939 the district attorney of Luzerne county, Pennsylvania, asserted that some 3,500 votes had been bought in the election of the previous year.²⁸ In New York many up-state farmers will not vote the Democratic ticket; neither will they vote the Republican ticket, it is said, without the customary encouragement. The county boss spends more money at election time than the ward boss of the city, from four to eight times as much, if we accept one estimate.²⁹ According to Frank R. Kent, the county boss holds a higher place than the city boss in the social and business life of the community.³⁰ "Leadership comes to him, not because he has won his spurs as a machine politician, but because he is the dominant man in other ways in his county. Either he is the leader of the local bar or the president of the local bank, or the most influential merchant, or the representative of his county in the state senate. The big thing

Criticism
of his
views

²⁷ A. Z. Blair, "Seventeen Hundred Rural Vote-sellers," *McClure's Magazine*, November, 1911, pp. 28-40; see also *Outlook*, January 14, 1911.

²⁸ *New York Times*, March 5, 1939. For recent cases of the purchase of votes, at sums ranging from 25 cents to \$20, see *Senate Report No. 47*, 1941.

²⁹ Frank R. Kent, *The Great Game of Politics* (1923), p. 67.

³⁰ *Ibid.*, p. 65.

is that he does not make his living exclusively out of politics or a political job. . . . He is something more than merely a professional politician and jobholder."

Boss as
broker

We can hardly accept Bryce's four conditions as fundamental causes. They seem to be mere contributory factors, incidents that enhance the power of the boss without being essential to his existence. Where shall we look, then, for a more adequate explanation? Bossism has sometimes been represented as the outcome of economic rather than political development. There is a contradiction between political power, which rests with the Many, and economic power, which rests with the Few; and between the two a perennial conflict. "Big business," developing fast in the last decades of the nineteenth century and reaching out for public franchises and other concessions, burdened itself with no conscientious scruples. Where privilege or protection required the purchase of political power, big business bought it.³¹ The boss was the man who negotiated with the corporations on behalf of the party machine and who, when the price had been paid, delivered the goods—the votes in the city council or state legislature. He became the broker, the indispensable intermediary. "Thus every 'Boss,'" says Herbert Croly,³² "even those whose influence did not extend beyond an election district, was more or less completely identified with the Corporations who occupied within his bailiwick an important relation to the state." Of course, it was not big business alone that engaged in these sinister transactions. The most insignificant special interests turned to the boss whenever government could satisfy their craving for privilege.³³

³¹ The big business man, said Lincoln Steffens (*Shame of the Cities*, 1904, p. 5), "does not neglect, he is busy with politics; oh, very busy and very business-like. I found him buying boodlers in St. Louis, defending grafters in Minneapolis, originating corruption in Pittsburgh. . . . He is a self-righteous fraud, this big business man. He is the chief source of corruption, and it were a boon if he would neglect politics." In my opinion Steffens came to an erroneous conclusion. He attributed sin to those who operated on a large scale; and he failed to see, in the rampant practice of petty graft, that the disease was eating at the vitals of Americans in general.

³² *The Promise of American Life* (1909), p. 132.

³³ "Nor must it be thought that the 'special interests' so glibly attacked by press and pulpit represent a special type of business man who has maliciously set out to corrupt government for his own ends. True, the professional representatives of those business interests which have a more or less constant contact with government do constitute a distinctive class, just as divorce lawyers and ear-eye-nose-and-throat specialists constitute a distinctive class. But one may not infer that they are in any way different from their fellow citizens, either

It would be a capital mistake, however, to conclude from these facts that big business created the boss. He is—to quote Croly again³⁴—“an independent power who has his own special reasons for existence. He put in an embryonic appearance long before the large corporations had obtained anything like their existing power in American politics; and he will survive in some form their reduction to political insignificance. He has been a genuine and within limits a useful product of American democracy; and it would be fatal to undervalue or misunderstand him. . . . It so happened that the kind of power which each obtained was very useful to the other. A corporation which derived its profits from public franchises or from a business transacted in many different states found the purchase of a local or state machine well within its means and well according to its interests. The professional politicians, who had embarked in politics as a business and who were making what they could out of it for themselves and their followers, could not resist this unexpected and lucrative addition to their market. But it must be remembered that the alliance was founded on interest rather than association, on mutual agreement rather than on any effective subordination one to another.”³⁵

Not created by big business

The real cause of bossism is to be found in certain peculiarities of our political system.³⁶ These peculiarities are of such a kind as to

His origin explained

in morals or mental make-up.” Charles H. Garrigues, *You're Paying for It!* (1936), p. 12. The following paragraphs give concrete illustrations. Garrigues says (p. 29) that “the corruption of government results from the necessity of legitimate special interests to seek special privileges” and that “the boss exists merely as a necessary part of the system.”

³⁴ *Op. cit.*, pp. 118 and 124.

³⁵ This view has behind it also the great prestige of Ostrogorski. “Capitalism,” he says (*Democracy and the Organization of Political Parties*, Vol. II, p. 196), “has only raised the stature of the boss; it has enhanced his powers and his means of action, having found him a highly perfect instrument.”

³⁶ See Frank J. Goodnow, *op. cit.*, pp. 168–198; H. J. Ford, *The Rise and Growth of American Politics* (1898), pp. 301 *et seq.*; Herbert Croly, as quoted below; and Charles H. Garrigues, *You're Paying for It!* (1936), pp. 32–40. Garrigues says: “The phenomenon known as bossism can best be understood when it is realized that government is not a synthetic thing, artificially created according to the preconceived ideas of statesmen, but rather a natural growth developing in response to a social necessity. Whenever the designers of a constitutional government fail or neglect to provide within their more or less rigid structure the machinery for meeting a governmental need, that machinery tends to come into existence without regard to the dicta of law-givers or makers of constitutions. . . . When the designers of the American system of government created the machinery which was to regulate social and economic relationships they

discourage the growth of leadership within the government. The state constitutions still bear the impress of eighteenth-century Whig doctrine, doctrine which rests on a mechanical conception of government and, through checks and balances, seeks to prevent any concentration of power. Power, so it was contended, is dangerous to liberty; and therefore power has been spread so thin, so dispersed among various departments and officers, so divided and attenuated that, when the people demand positive action, no one has adequate authority to act. Moreover, within the circumscribed sphere allotted to them, public officers have been further confined by specific and minute statutory directions. The law deprives them of all latitude and discretion in the discharge of their duties; it leaves no room for the exercise of individual judgment; in the fear of arbitrary conduct it has eliminated the personal equation.³⁷ Finally, the state constitutions reflect the extravagant notions of Jacksonian democracy. In Jackson's time, with manhood suffrage, the "plain people" came to their own and swept away the old governing class. They expressed the new principle of popular rule in the formula of elective office and short terms. Through frequent elections they proposed to keep the government in proper subjection to its masters.

neglected to provide the machinery for the regulation of certain relationships between business and government. Having accepted an economic system of freely competitive capitalism and having created a democratic government from which the units of the capitalistic system would be forced by competition to seek special privileges, they neglected to promote the machinery through which privileges could be provided. So long as the special interests of business were small and not highly competitive, the absence of such machinery was not important. But when, with keener competition, special privileges came to be more and more in demand, society itself created that extra-legal machinery of government which came to be known as political bossism." *Ibid.*, pp. 32 and 34.

³⁷ "Thus," says Herbert Croly (*Progressive Democracy*, 1914, pp. 252 and 254), "the American state governments carried government by law as far as it was humanly possible to carry it. They abandoned themselves to legalism as completely as a sail-boat abandons itself to the wind. Yet when abandoned to the wind the boat did not sail free without a man at the helm—it only drifted around. In spite of the increasing web of legal precautions woven about the unfortunate human beings who were trying to run this legalistic mechanism, there was no satisfaction with the result. . . . Coincident with the system of legal prescription was built up a far more human system of partisan government, whose chief object soon became the circumvention of government by law. . . . The lawlessness of the extra-legal democracy was merely the counterpoise of the legalism of the official democracy. The lawyer having been permitted to subordinate democracy to the law, the Boss had to be called in to extricate the victim, which he did after a fashion and for a consideration."

The result, however, was quite different from the intention. Any crude formula, carried to extreme lengths, defeats its own objects. In the absurd multiplication of elective offices the people undertook to do more than they possibly could do. They created an opportunity for the political specialist. "The ordinary American," says Croly,³⁸ "could not pretend to give as much time to politics as the smooth operation of this complicated machine demanded; and little by little there emerged in different parts of the country a class of politicians who spent all their time in nominating and electing candidates to these numerous offices."³⁹ The professional experts, the bosses, did not hold their places for short terms, like the officers of the formal government. Penrose ruled in Pennsylvania for fifteen years, Murphy in New York City for twenty years, George B. Cox in Cincinnati for thirty years. Continuity in office is a first requisite of leadership: it is exemplified in our great industrial corporations, in the American Federation of Labor, which Gompers led for forty years and which William Green has led ever since the death of Gompers in 1924, in the Nonpartisan League, or in the woman suffrage association, whose history has been described in an early chapter. The effect of the Jacksonian shibboleths—elective office, short terms, rotation—has been to transfer power from the responsible short-lived officers of the formal government to the Pericles or Medici or Augustus who knows how to manipulate the puppets.

It is not, of course, to Jacksonian democracy alone that we must attribute the boss.⁴⁰ The dispersion of official authority—to which

³⁸ *The Promise of American Life* (1909), p. 120.

³⁹ The bosses, says Roosevelt (*Autobiography*, p. 137), "attend to politics not once a year, not two or three times a year, like the average citizen, but every day in the year. It is the one thing that they talk of, for it is their bread and butter. They plan about it and they scheme about it. They do it because it is their business. . . . They know every little twist and turn, no matter how intricate, in the politics of their several wards, and when election day comes the ordinary citizen, who has merely the interest that all good men, all decent citizens, should have in political life, finds himself as helpless before these men as if he were a solitary volunteer in the presence of a band of drilled mercenaries on a field of battle."

⁴⁰ In his *Unpopular Government in the United States* (1914) Albert M. Kales lays the greatest possible emphasis upon this aspect, however. He represents the boss (pp. 54-61) as "merely the successful local adviser and director of the politically ignorant voter. . . . The political ignorance of the voter [faced with so many inconspicuous offices and candidates on the ballot] is one of the necessary conditions of his existence. The fact that most voters cannot make a show of voting intelligently without someone to help them provides the opportunity

The chief
factor:
scattered
political
power

overemphasis on the elective principle has greatly contributed—is the essential factor. “The city boss,” says Professor Ford,⁴¹ “is the nexus of municipal administration,—a center of control outside of the partitions of authority which public prejudice and traditional opinion insist upon in the formal constitution of the city government. The boss system is enormously expensive, but so great is the value of concentrated authority in business management that one may hear it said among practical men of affairs that a city needs a political boss in order to be progressive. The fact is well known that it was due to authority of that kind that the national capital was transformed from an area of swamps and mud-banks into the beautiful city it is now. The state boss is the natural complement of the situation produced by the dissolution of executive authority in the state government. The office restores outside of the formal constitution what is lost inside of it—efficient control. In the national government, no such dissolution having taken place, the case is different. There is no national boss but the President, and that is what the people put him there to be. If he does not boss the situation, he is a political failure, no matter what else he may be.”

Function of
the boss

The boss, then, is the man who brings together the scattered powers of government. He was called in, says Croly, to extricate the victim from a web of legalism and to substitute for the defective official system an unofficial system better suited to actual popular needs. “The people wanted the government to do something for them, and the politicians made their living and served their country

which calls him into being. The power of the successful adviser and director of the voter is in direct ratio to the political ignorance of the electorate. . . . To the extent that the adviser and director of the politically ignorant voter can direct and advise the voter how to vote, he can fill the offices of the state and local governments with those who are loyal to him, and thus control some part of the power of government.

“Since the business of directing the politically ignorant voter how to vote has fallen into the hands of a professional class and since the prize to be won is the control of governmental power, it is not to be wondered at that the profession has become highly organized for the purpose of achieving its object; that men of extraordinary power and ability have arisen as its leaders; and that to a very great extent the object of the organization has been achieved. . . . Thus almost imperceptibly, but with astonishing rapidity, there have been developed statewide feudal organizations for the purpose—in form at least—of advising the politically ignorant voter how to vote, but in reality of casting his vote for him, and thus securing the political power of the electorate.” Further reference to Kales will be found in Chapter XXV.

⁴¹ *Op. cit.*, pp. 301-302.

by satisfying the want.”⁴² As a consequence, actual political power has been divorced from official political responsibility. Although public officers are still responsible, in a technical sense, for the conduct of the government, “their actual power is even smaller than their official authority. They are almost completely controlled by the machine which secures their election or appointment. The leader or leaders of that machine are the rulers of the community, even though they occupy no offices and cannot be held in any way publicly responsible.” It was in this fashion that William Marcy Tweed ruled through the Tammany machine. The realities of the situation may be illustrated by an incident which took place during the examination of candidates for admission to the bar. Judge Barnard asked a candidate how he would proceed if he had a claim of \$50,000 against the city. The laconic answer was: “I’d see Bill Tweed.”

The English counterpart of our boss is the prime minister, who rules the country without being known to the law.⁴³ He is the party boss; but at the same time, notwithstanding his dubious origin in the eighteenth century, he has come to be invested with full public responsibility and is regarded as an indispensable officer of the government. Sir Robert Walpole, who ruled England, as Platt ruled New York, for a period of twenty years, is usually regarded as the first prime minister.⁴⁴ He built up his immense authority in a corrupt age and by corrupt methods. In the manner of our boss and in the face of the same opprobrium he gathered into his hands all the scattered fragments of power. He made the laws; he conducted the administration. “After his fall,” says President Goodnow,⁴⁵ “an at-

Illus-
trations:
(1) Wal-
pole in
England

⁴² Croly, *The Promise of American Life*, p. 125. “To be sure, the ‘people’ they benefited were a small minority of the whole population whose interests were far from being the public interest; but it was none the less natural that the people, whoever they were, should want the government to do more for them than to guarantee certain legal rights, and it was inevitable that they should select leaders who could satisfy their positive, if selfish, needs.”

⁴³ The office of prime minister did receive statutory recognition in 1937.

⁴⁴ Before the rise of the prime minister as boss there had been a period of confusion brought about by the decay of royal authority. A doctrine took shape which conceded executive power to the King and legislative power to Parliament and which made the judiciary independent of both. This Whig doctrine of the separation of powers, of checks and balances, persisted long after executive and legislative power had been brought into the closest union.

In the eighteenth century, it should be remarked, the local boss was a familiar figure almost everywhere in England. The great landowners not only named the members of parliament, selling seats when they chose, but they also held the whole field of local government.

⁴⁵ *Politics and Administration*, pp. 187-189.

tempt was made to get on without the office, but by the very force of circumstances the English had to acknowledge that Walpole's main idea was right, and set to work not to destroy the boss,—for that is what the Prime Minister is,—but to make him responsible. . . . It is no longer necessary in order to obtain the desired and necessary harmony to resort to these corrupt means, because the power of the Prime Minister is recognized. What in the time of Walpole had to be done by stealth and in an underhand manner may now be done in the open and through the exercise of acknowledged power.”

(2) Platt in
New York

Platt ruled New York state as an unacknowledged and irresponsible prime minister. In choosing his lieutenants and candidates, he says,⁴⁶ he insisted on a willingness to “stand when hitched”—that is, to obey orders; and he punished, “sometimes mercilessly,” any dereliction of this duty. “Only in this way,” he observes, “can the discipline of any body of men be enforced.” Roosevelt tells how, shortly after his election as governor, Platt invited him to attend a conference. He expressed some surprise when he found the boss drawing up a list of committee assignments; for the speaker, who was supposed to appoint the committees, had not yet been elected by the assembly. “Oh!” responded Platt, with a tolerant smile, “he has not been chosen yet, but of course whoever we choose as speaker will agree beforehand to make the appointments we wish.”⁴⁷ Croker ruled New York City in the same fashion. “The one clear and distinct fact brought out by this investigation,” the Mazet Committee of 1899 declared, “is that we have in this great city the most perfect instance of centralized party government yet known. We have had explained by the highest authority, the dictator himself, the system and theory of government, and by the highest official the practice thereof. We see that government no longer responsible to the people, but to that dictator. We see the central power, not the man who sits in his Mayor’s chair, but the man who stands behind it. . . . The real ruler of the city is a private individual, holding no office, amenable to no law, bound by no oath, and

⁴⁶ *Autobiography of Thomas Collier Platt* (1910), p. 503. See also H. F. Gosnell *Boss Platt and His New York Machine* (1924).

⁴⁷ *Theodore Roosevelt: an Autobiography*, p. 293. In the case of *Barnes v. Roosevelt* the latter testified that, when governor, he expressed to Barnes his surprise that the speaker had torn up his special message to the legislature. “Barnes said it would have been foolish for me to expect Speaker Nixon or Assembly Leader Allds to act on such matters until they had received their orders from the organization.” *New York Times*, April 21, 1915.

yet exercising almost absolute control over most of the departments of the city government when he chooses to exercise it.”⁴⁸

ALLEGED END OF BOSSISM

Mark Sullivan, a competent political observer, spoke of Boies Penrose as “the last of the barons.” Temporarily at least, he averred, the old system of the boss had gone under an eclipse.⁴⁹ He expressed those views some twenty years ago. And yet the race cannot have been quite extinct; for, when J. Henry Roraback died, in 1937, he was described as “one of the last of the state bosses, and also one of the most powerful.”⁵⁰ He had bossed the Republican party of Connecticut for twenty-five years. Months before Roraback’s death, George Creel wrote that, while the phenomenon had been familiar in almost all cities at the turn of the century, only two bosses, with any pretensions to despotic control, were left—Tom Pendergast of Kansas City and Frank Hague of Jersey City; and, of the two, Hague alone could assert Democratic dominance throughout his state.⁵¹ The last of the barons! Hague was now sixty years old; before the end of the year Pendergast had entrusted the active management of his machine to his nephew, John Michael Pendergast.⁵² Russell B. Porter said of Hague that “he is one of the few survivors of the old school of city bosses upon whom the American people, outside Jer-

Bosses said
to be dis-
appearing

⁴⁸ Croker maintained an even stricter discipline than Platt. “There was an Albany crisis,” says Alfred Henry Lewis (*Richard Croker*, p. 100); “the Democrats of the legislature behaved badly. One gray senator was peculiarly weighed in the balance of those events, and found wanting. It was a week later when he met Croker. The latter regarded the derelict with a brow both untoward and bleak. ‘You did nicely,’ observed Croker, in tones none the less indurated for being musically low; ‘you did nicely up at Albany! The Republicans made you look like children. You would have done as well if you’d stayed at home.’ ‘What could I do?’ asked the other appealingly, spreading his hands. ‘Why, nothing, of course,’ replied Croker. ‘I didn’t know that when you were sent there, but I know it now.’ It was the death sentence; both understood it. That ‘statesman’ did not go back.”

⁴⁹ *World’s Work*, Vol. XLIV (1922), p. 350. ⁵⁰ *N.Y. Times*, May 29, 1937.

⁵¹ “The Complete Boss,” *Collier’s*, October 10, 1936. For the Hague régime see D. D. McKean, *The Boss* (1940). For his fall as state Democratic leader, see p. 412 *supra*.

⁵² In May, 1939, Tom Pendergast pleaded guilty to income-tax evasion and was sentenced to a fine of \$10,000 and to one year and three months in the penitentiary. On the same charge Seymour Weiss, formerly a confidant of Huey Long, was convicted in 1940; “Nucky” Johnson, boss of Atlantic City for 30 years, in 1941 (10 years’ sentence).

sey City and a few other places, have turned thumbs down in this age of new political trends."⁵³ Perhaps Mr. Porter was thinking of the assassination of Tony Cermak in 1932 and of Huey Long in 1935, and of the death of Vare in 1934 and of Roraback in 1937—and forgetting that there may be a succession to the royal purple even in bossdom.

View of
Garrigues

Such language is frequently encountered, however. In a book that deserves more attention than it has received, Charles H. Garrigues says that, while something like the boss of twenty or thirty years ago may still be encountered, these pseudo-bosses are not bosses at all.⁵⁴ They are "merely agents or liaison officers, managers of the marketplace to which officials and special interests can come and buy or sell their commodities—special privilege." Mr. Garrigues wonders, in fact, "if the boss of thirty years ago held anything of the power and importance that he was supposed to hold, or if the earlier concept of bossism did not grow out of, first, inaccurate observation on the part of reformists of the period, and, second, the need of those reformers for an individual who could personify governmental corruptions and against whom the reform campaign could be directed. So far as modern politics is concerned the real boss is almost non-existent. . . . The boss of modern reform journalism is a somewhat sorry specimen of political manipulation raised as a straw man for the express purpose of being attacked by the reform crusader."⁵⁵ . . . In considering the problem of bossism it must be remembered that one does not hear of a political boss except during a reform campaign."

Danger of
inaccurate
observa-
tion

Are we to suppose, then, that the American boss has become only a reminiscence? Let us pause before answering. The boss encounters prejudice. He seldom moves so much in the open as does Frank Hague, proudly admitting and even advertising his position. In pursuit of the substance of power, he is more apt to wear disguises and skulk among the shadows. There is no social register of bosses for the journalist to consult. The journalist writes, no doubt, with some knowledge of the situation in his own community, though often deceived by appearances in times, like these, of political change; but, not having given his life to the study of bosses, he carries in his mind only what he has read in the newspapers of dramatic occur-

⁵³ "Portrait of a 'Dictator,' Jersey City Style," *New York Times Magazine*, February 13, 1938. See also D. D. McKean, *The Boss*, (1940).

⁵⁴ *You're Paying for It!* (1936), pp. 28, 29, and 30.

⁵⁵ For the apposite case of Albert Marco in Los Angeles, see *ibid.*, pp. 30-31.

rences (such as the deposition of Curry or the jailing of Connolly) in other parts of the country. It is a huge country. Garrigues knows his Los Angeles; since so many of his fellow-citizens came from Illinois, he ought to know Cook county. Yet, finding no mastodons in Main Street, he almost doubts that they ever had an existence anywhere. Croker becomes a legendary figure, like Robin Hood.

Disconcerting changes have taken place in the course of the last decade. The political waters have deserted old familiar channels. Thus, Tammany has been the pride of New York City ever since visitors were invited to gaze at Barnard, Cardozo, and MacCunn as the judicial tools of William Marcy Tweed. Nowadays, however, Tammany has lost the power to govern. It was after the death of Charles H. Murphy, in 1924, that the decline became obvious. His successors, like "glistening Phaëton," seemed to want "the manage of unruly jades." Judge Olvany abdicated the leadership suddenly in 1929;⁵⁶ after serving for five years, John H. Curry was deposed;⁵⁷ James J. Dooling, in spite of illness and incipient revolts, died in office (July, 1937); Christopher D. Sullivan almost at once lost prestige when his choice for the mayoralty was defeated in the primaries and when Mayor La Guardia won a second term by a huge majority.⁵⁸ He was deposed, by a very close vote, in February, 1942. This rapid succession of discredited leaders did not mean that Tammany could no longer produce able men. The times were out of joint. The lean years of La Guardia were not like those of Seth Low (1902-1903) or Mitchel (1914-1917); public relief, administered by other hands, supplanted the largesses of assembly-district leaders, while a permanent system of social insurance robbed of future ef-

Decline of
Tammany

⁵⁶ Olvany represented a new type of leader, as did Dooling later on, both having attended college. He was criticized, not only for weakness, but for using his position to gain lucrative business for his law firm, at the expense of other lawyers in Tammany.

⁵⁷ He was the first leader of Tammany to be deposed, although some others had resigned under pressure. Curry, it was said, had almost invariably misjudged the trend of events and the temper of the electorate. He had opposed the nomination of Roosevelt for the presidency and Lehman for the governorship. With a weak candidate for mayor, he had involved Tammany in the disaster of 1933. The Hall had no friends in office, and no patronage.

⁵⁸ To make matters worse, the defeated Democratic candidate, Jeremiah T. Mahoney, denounced Tammany as the symbol "for all that is crooked, slimy, unpatriotic and sinister" and urged a change of name and address. *New York Times*, January 7, 1938. Even Samuel Untermyer, associated with the Hall for fifty-eight years, urged "a change of leaders and higher objectives of public duty." *New York Times*, January 9, 1938.

ficacy the traditional gifts of food and coal to the poor. Aside from this, however, the Hall was suffering from a fatal disease.

Explana-
tion of its
decline

There are five counties in New York City; and the Hall is the headquarters of the Democratic organization in only one of them. When Charles F. Murphy became leader, New York county (the borough of Manhattan) contained 53 per cent of the city's population. It exceeded Kings (Brooklyn) by 700,000, Bronx by 1,650,000, Queens by 1,700,000, and Richmond by 1,780,000. By shrewd manipulations Murphy dominated the other four county bosses. The percentage sank from 53 to 48 in 1910; to 40 in 1920; to 26 in 1930; and, according to the city's estimates, to 21 in 1940. There lies the clue to Tammany's recent mortifications. If Kings has over a million more inhabitants than Manhattan, why should Frank V. Kelly subordinate himself to Christopher D. Sullivan, as John H. McCooey, his predecessor, so often did to Charles F. Murphy? In population Bronx and Queens are nearing equality with Manhattan.⁵⁹ It is a mistake to deduce, from the decline of Tammany, the disappearance of bossism from New York City. Kelly of Brooklyn is a powerful boss; so is Edward J. Flynn of the Bronx. In future they will not coöperate with Tammany on their knees; and Tammany is still rather puzzled when it finds them standing erect.

Ups and
downs of
other
bosses

Valuable lessons might be learned by looking at other parts of the country. Bosses are subject to vicissitudes; they seldom rule so long as Penrose, Murphy, Roraback, Hague, Pendergast, or even Maurice E. Connolly of Queens county, who was "undisputed ruler of all things political in his home borough from 1911 to 1928."⁶⁰ Perhaps they are driven from power, like Connolly (over the sewer scandal), or Jim Curley (who recently "held Massachusetts in the palm of his hand"),⁶¹ or William S. Vare of Philadelphia.⁶² Per-

⁵⁹ According to the city's official estimates for 1940, the Bronx was only 81,000 behind; Queens, 225,000.

⁶⁰ *New York Times*, November 25, 1935.

⁶¹ R. Kiernan, "Jim Curley, Boss of Massachusetts," *American Mercury*, Vol. XXXVII (1936), p. 137. See also J. F. Dinneen, "The Kingfish of Massachusetts," *Harper's Magazine*, Vol. CLXXIII (1936), pp. 343-357.

⁶² Vare's spirit, health, and prestige had already been broken when the Republican central committee deposed him in June, 1934, two months before his death. After serving seven terms in the House of Representatives, he was elected to the Senate in 1926. Three years later the Senate refused to seat him because of heavy expenditures in the primary—perhaps also because of his lack of social background. J. T. Salter, "The End of Vare," *Political Science Quarterly*, Vol. L (1935), pp. 214-235.

haps they die young, like Brennan and Cermak of Cook county, or Huey Long, the Kingfish of Louisiana, whose strange dictatorship had lasted only seven years when he was assassinated.⁶³ But Cermak's machine passed into the hands of Kelly and Nash;⁶⁴ Long's briefly into those of a triumvirate.⁶⁵ Someone else rises from the ashes. After discussing the fall of William S. Vare, Professor Salter holds that "Philadelphia will have a boss until the political duties imposed upon her citizens are reduced so much that citizens can satisfy their political obligations unaided; or until Philadelphians become so educated that they will demand (and receive), as a right, from their official government, the security and service that the politicians now give as a favor."⁶⁶ At present Philadelphia is governed by Democratic bosses, Mathew H. McCloskey and John B. Kelly, who absorbed great segments of the Vare setup.⁶⁷ Joseph Guffey became Democratic boss of Pennsylvania in 1933.⁶⁸ It is true that a factional fight took place in 1938 and that Senator Guffey's ticket was beaten in the primary by that of Governor Earle and State Chairman Lawrence.⁶⁹

⁶³ Two biographies of Long appeared in 1935, one by Carleton Beals, the other by Forrest Davis. But see especially H. T. Kane, *Louisiana Hayride: The American Rehearsal for Dictatorship, 1928-1940* (1941).

⁶⁴ "The Kelly-Nash Political Machine," *Fortune*, Vol. XIV (1936), pp. 47-52 and 114 *et seq.*

⁶⁵ *New York Times*, May 9, 1937.

⁶⁶ "The End of Vare," as previously cited, p. 235. In a letter to Theodore Roosevelt (*New York Times*, April 22, 1915), William Barnes, Republican boss of New York, observed most truly that "the idea of getting rid of the boss is absurd, so long as you have party government"—only for the term "boss" he might have substituted the more inclusive term "leader."

⁶⁷ J. Alsop and R. Kintner, "Guffey of Pennsylvania," *Saturday Evening Post*, April 16, 1938.

⁶⁸ As to Guffey's methods: "The fellows who've done the work I believe in rewarding," he has said. "When a job comes vacant, I just try to think who deserves it. Ours isn't a machine; it's an organization for service." One politician not only got a job at \$6,500 for himself, but jobs for 179 relatives, according to the Republican list. Before Guffey himself became Senator, he controlled federal patronage for his state. It was said of the two Republican Senators that "Dave Reed and Jim Davis may not know it, but Guffey is really both senators from Pennsylvania." *Ibid.*

⁶⁹ Two months before the primary Frank R. Kent wrote: "The precarious nature of political leadership was never better illustrated than by the recent happenings in the Democratic party in Pennsylvania. From the national standpoint, the most interesting thing is the revelation that Senator Guffey, supposed to be the most powerful boss in the country, 'just isn't a boss at all.'" *Los Angeles Times*, May 11, 1938. A month later he wrote of Guffey as "so easily and suddenly reduced to the humiliating position of second-string lieutenant to a labor

But after a time harmony was restored, Guffey becoming campaign manager for the ticket that he had opposed.⁷⁰ If he is still boss, he is a chastened boss, who must move warily for a time and often take orders when he seems to give them. Moreover, his defeat proceeded from his own bad judgment and absurd ambition. Perhaps the man who makes such blunders cannot found a new dynasty of bosses in Pennsylvania.

Roosevelt's
federal
machine

Into the situation has come a new factor. The states have been stripped of much constitutional power during the Roosevelt era, surrendering it gladly for the most part, in return for subsidies from Washington. Bosses have found it impossible to resist a similar temptation. They live on patronage, and federal departments are distributing it with incredible prodigality. Through the genius of President Roosevelt and of his postmaster general and national chairman, James A. Farley, something akin to a federal machine was developed. "In many respects," Paul Mallon observed,⁷¹ "the still-expanding Democratic organization appears to have been built, though with innovations and variations, from Tammany plans. The fundamental theory of the city machine, which has in the past been successful for long periods not only in New York but in Philadelphia, Chicago, Kansas City and elsewhere, is to care for the poor, organize the neighborhood, give jobs to unemployed sons and daughters." The nature of the new machine may be gathered from the scandals that came to light during the primary campaign of 1938. Federal employees, failing to support the machine, lost their places.⁷² Relief workers were subject to pressure. Yet recipients of relief rarely needed discipline. They felt the same gratitude that the poor have felt in Manhattan when a district leader of Tammany Hall has sent round a ton of coal, a pair of shoes, and a sack of pota-

leader, forced to abandon his friends and eat his own words. . . . A few weeks ago, he was undisputed boss of Pennsylvania." He had so much and seemed so invincible. "No one ever had quite as much. There seemed, in his equipment, literally nothing lacking. . . . The collapse of the Guffey boss-ship is little short of stunning." *Los Angeles Times*, April 8, 1938.

⁷⁰ *Los Angeles Times*, June 15, 1938.

⁷¹ "The Party Line-up for 1936," *Current History*, Vol. XLII (1935), p. 339.

⁷² The first notable cases occurred in Georgia, where Roosevelt sought to encompass the defeat of Senator George. Of the situation in Maryland Arthur Krock wrote in the *New York Times* of August 23, 1938: "The word has gone out that any federal officeholder who fails to support Mr. Lewis [against Senator Tydings] will be dismissed."

toes, and were equally deaf to criticisms of their benefactors. What happened in Great Britain so long ago seems to be happening in the United States now. Like Sir Robert Walpole, Franklin D. Roosevelt is trying to set himself up as national boss and, in that process, is resorting to similar methods. He, and successors who imitate him, will meet with determined resistance. The movement is likely to suffer from recessions before it meets with final success. But, if the President does become boss of his party, instead of remaining the nominal leader, local bosses will find their independence seriously curtailed.

Bosses there still are, however. On every occasion when they are referred to as an extinct species, evidence soon accumulates to show that the announcement was at least premature. Bosses remain to-day a familiar adjunct of our political system. Nevertheless, they are not so commonly encountered as in the days of Platt and Quay; or, it may be said, so powerful. How shall we explain that phenomenon? It is necessary to remember why bossism came into existence. The machinery of our government was too complicated, power and responsibility spread too thin, the way to natural leadership blocked, voters expected to do so much that they recoiled from doing anything. But democracy cannot exist without parties; parties cannot exist without organization; and organization cannot exist without leadership. Some sort of leadership there must be. The boss came forward, like the tyrant of Renaissance Italy, as a beneficent antidote to chaos, a biological necessity. Professor Salter shows an understanding of the situation when he says that Philadelphia must always be bossed until the task of her citizens, having been simplified, can be performed without the aid of the boss. Now, the most notorious bosses have flourished in our cities; and of late, in many parts of the United States, municipal government has been modified or even transformed, its structure simplified, authority concentrated, the ballot shortened, and various safeguards against the spoilsman introduced. "The boss, as an institution," says Garrigues,⁷³ "has either been destroyed or rendered obsolete by improvements in the form of government."

Bosses less
numerous
to-day

"The political boss lasted as long as the original form of municipal government," Garrigues explains.⁷⁴ "He began to pass when the second period of the reform era began to develop new forms of

⁷³ *You're Paying for It!* (1936), p. 27.

⁷⁴ *Ibid.*, pp. 37 *et seq.*

Explanation:
reform of
city government

government in which the sale of special privilege was easily consummated without the assistance of the boss."⁷⁵ The new forms so centralized control over all branches of the government that "the same privilege need not be bought three times to get it once" and so stabilized the channels of influence that contacts survived the vicissitudes of elections. The latter-day reformist quickly banned the technique of the boss and set out to eliminate him "by eliminating the constitutional safeguards which made the political boss necessary." The commission plan and the city-manager plan made it possible "to buy special privilege without the assistance of the boss, and the adoption of these and similar forms of government did in fact serve to end bossism without decreasing to an appreciable degree political corruption." Similarly, nonpartisan elections "made it possible for special interests to elect their own officials without the professional go-betweens"; and the merit system prevented an occasional reform administration from purging the civil service and interrupting the favors by special privilege.

But
corruption
continues

"The reformers, so far as they were successful, succeeded in eliminating the boss by making corruption possible without him. The young politician need not fear that this result has decreased his opportunities for graft. On the contrary, graft has probably become not only more profitable but safer. The student of politics need not apply himself to learn the technique of his profession and the sources from which its rewards will be derived."⁷⁶ It may be gathered from passages like this that in Charles Harris Garrigues we have a successor of George Washington Plunkitt at the beginning of the century and a return to the realistic tradition of Niccolo Machiavelli. Politics always tends to be corrupt, more so in some ages than in others.⁷⁷ By removing the boss we do not remove corruption. We turn it into fixed channels, where an alert public opinion can readily detect and punish it. Let it be understood, however, that public opinion is alert only by fits and starts, while the boss is always alert.

⁷⁵ "In the older cities, where the older forms of government tend to be retained, the boss still retains a large share of his old importance. But even as early as 1908 Steffens noted that the special interests of Boston were learning to deal directly with the officials whom they elected." *Ibid.*, p. 38. Perhaps that may be explained by the fact that none of the ward bosses managed to get control of the whole city of Boston.

⁷⁶ *Ibid.*, p. 41.

⁷⁷ See Joseph McCabe, *The Taint in Politics* (1920).

Chapter XVII

THE MACHINE

"The professional politicians, who filled the Organization at all stages," says Ostrogorski,¹ "executed their movements, under the direction of managers and wire-pullers, with such uniformity and with such indifference or insensibility to right and wrong, and operated with such unerring certainty on the electorate that they evoked the idea of a piece of mechanism working automatically and blindly,—of a machine. The effect appeared so precisely identical that the term 'machine' was bestowed on the Organization as a nickname." According to current usage the machine may be described as a perverted, but highly efficient, party organization, just as the boss is a perverted, but highly efficient, leader. In one sense the term "machine" is inappropriate and misleading. Walter Lippmann contends that the political machine is the very opposite of a machine, that Tammany (for example) is the effective government which has defeated mechanical foresight, and that the really rigid and mechanical thing is the city charter behind which Tammany works.² The point is well taken. Nevertheless, the term reflects, happily enough, the precision, the relentless rigor, the undeviating and unscrupulous concentration of purpose which mark the methods of the professional politician. "In terms of human components," it has been said,³ "the machine is a group of men who obey the orders of a boss in return for political jobs and perquisites. More philosophically considered, it might be defined as an organization that trades

The "machine" a perverted "organization"

¹ *Democracy and the Organization of Political Parties*, Vol. II, p. 128.

² *Preface to Politics* (1913), pp. 17-18. "Tammany is not a freak, a strange and monstrous excrescence. Its structure and the laws of its life, are, I believe, typical of all real sovereignties. You can find Tammany duplicated wherever there is a social group to be governed—in trade unions, in clubs, in boys' gangs, in the Four Hundred, in the Socialist Party. It is an accretion of power around a center of influence cemented by patronage, graft, favors, friendship, loyalties, habits,—a human grouping, a natural pyramid."

³ "The Kelly-Nash Political Machine," *Fortune*, Vol. XIV (1936), p. 48. Professor C. H. Woody defines a machine as a group "held together by the cement of self-interest." *The Case of Frank L. Smith* (1931), p. 136.

philanthropy (with other people's money) for votes. The immediate object of a machine is, of course, the production of votes, which are the condition of its survival. It is a means of obtaining other things that are desirable per se."

Supposed
character-
istics of the
machine

The boss has his hand on the throttle. The machine responds to his touch. At least we are accustomed to think that, on the one hand, the leader, who works through the party organization or even without it, draws his strength from popular support and that, on the other hand, the boss, transforming the organization into a machine, pursues his selfish aims without regard to public opinion. La Follette had, according to his autobiography,⁴ no need of machine methods, because he had the people behind him. He gained his victories, he said, with nothing more than a clerical force to send out literature, a manager to arrange speaking campaigns, and whatever money his devotees provided. He pictured the leader as fighting for principle; the boss as fighting for selfish mastery. It is true that the boss also depends upon popular support. He must control the primaries or abdicate. As with Napoleon, the true source of his power is not the "whiff of grape-shot," but the plebiscite. His critics will say, however, that, though the machine wins at the primaries, it wins by virtue of a mercenary following, by virtue of an appeal to motives of cupidity which put individual or group interests in the place of community interests or even party interests.

Bipartisan
deals

The Republican and Democratic machines of the same state or the same city often coöperate in perfect harmony. "Why, again and again these very same machine politicians," says Theodore Roosevelt,⁵ "take just as good care of the henchmen of the opposite party as of those of their own party. In the underworld of politics the closest ties are sometimes those which knit together the active professional workers of opposite political parties. A friend of mine in the New York Legislature . . . once remarked to me: 'When you have been in public life a little longer, Mr. Roosevelt, you will understand that there are no politics in politics.' In the politics to which he was referring this remark could be taken literally." Mr. Roosevelt declared, in a speech at Oyster Bay,⁶ that "the interests of Mr. Barnes and Mr. Murphy are fundamentally identical, and when the issue between popular rights and corrupt machine-ruled govern-

⁴ Pp. 69-70.

⁵ *Autobiography* (1913), p. 145.

⁶ *New York Times*, July 23, 1914. This speech was the basis of an unsuccessful libel action brought by Mr. Barnes and tried in 1915.

ment is clearly drawn the two bosses will always be found fighting on the same side, openly or covertly giving one another such support as can with safety be rendered." Any alliance between machines of opposite political faith is supposed to suggest antisocial aims. Some sinister bargain is suspected—as in 1911, when William Barnes refused to support an independent Democrat against the Tammany candidate for the United States Senate.⁷ Yet interparty agreements occur quite often and, if bosses and machines are not concerned in them, pass unchallenged. Coöperation in the accomplishment of some pious reform is positively applauded. Circumstances alter cases.

The machine may extend its dominion over a whole state, either through the ascendancy of a single boss or through the operations of a "ring" of local bosses who act in concert. The county is, however, the normal unit. Even Tammany in New York is confined to one of the five counties of the metropolitan area; its control of the city administration, during the régime of Charles F. Murphy, was secured by a close understanding with the Democratic organizations in Kings (Brooklyn) and Bronx. Within the same area there may be, as in San Francisco, rival machines. In Boston, where neither party has fallen, for any long period, under the sway of a single boss, the ward has been the base of machine activities. Indeed, as already observed in a previous chapter, city organization differs from rural organization in the fact that, because of density of population, the ward occupies an important strategic position midway between the precinct and the county. Thus, in Illinois, where the county committee is generally composed of the elected precinct or township committeemen, the law makes special disposition for cities of 200,000. The party voters in each of the fifty wards of Chicago elect a ward committeeman (that is, a leader or boss) for a term of four years, and the fifty ward committeemen form the city committee.⁸

County
and ward
are the
machine
units

Chicago

⁷ See testimony in the *Barnes v. Roosevelt* case, *New York Times*, April 30, 1915.

⁸ The ward committeeman serves *ex officio* as a member of the congressional district committee, the county central committee, and the judicial circuit convention, his vote being proportioned to the vote cast in his ward primary. H. F. Gosnell, *Machine Politics: Chicago Model* (1937), pp. 27-50. The vote in the primary is always light, including in 1932 and 1934 52.5 per cent of the registered vote. Similarly, Mosher found, for up-state New York, that only 36 per cent of those enrolled in the major party voted for committeemen in 1932. The significance of this has already been mentioned in discussing the work of the precinct committeeman (Chapter XV).

The precinct captain is appointed by the ward leader. The ward leader reaches his place after long years of apprenticeship have proved his capacity. "Once elected," says Professor Gosnell,⁹ "a ward boss who shows an ordinary amount of adroitness and party regularity is likely to be continued in office. He has the advantage of experience, patronage power, the prestige which is attached to the office itself, and the inertia of the rank-and-file party membership." "Hinky Dink" Hanna has remained boss of the first ward since 1897.

Phila-
delphia

In the cities of Philadelphia and New York the ward or assembly district committees are not elected at large, but by precincts; in the one case two members from each precinct; in the other a number proportioned to the party vote. In Philadelphia two committeemen are elected at the biennial primary in each of 1,283 precincts (1932).¹⁰ As there are fifty wards of varying sizes, the ward committees average a membership of fifty. Each ward committee elects a ward leader, who has, in fact, won the place by dominating the division primaries and at the same time winning the support of the city boss. Once a year the ward committee elects a member of the city committee, he being the ward leader or someone designated by him. But the committeemen, being, as Professor Salter points out,¹¹ "either job-holders, relatives of job-holders, or men who hope to obtain a job," cannot afford to oppose that fountain of patronage, the city boss. Thus, in 1933, William S. Vare crushed an uprising in the forty-sixth ward. He said: "Mr. Dunbar [as against Mr. Levick] is the candidate for the office, and I want to assure committeemen who are office-holders that they are in no danger of dismissal should they cast their votes for him." Dunbar won by 91 votes to 56. "The leader controls his ward," says Professor Salter,¹² "through jobs for the vote producers, favors to the voters (these favors are usually

⁹ Gosnell, *op. cit.*, pp. 28 and 33.

¹⁰ One of the two is nearly always dominant, the real election district captain. Contrary to the practice in so many states, there is no equal representation of sexes. In 1932 only seven women were elected, one of them being a substitute for her brother who, as a city job-holder, was not supposed to engage actively in politics. J. T. Salter, "Party Organization in Philadelphia," *American Political Science Review*, Vol. XXVII (1933), p. 619 note.

¹¹ *Ibid.*, p. 626 note. See also Salter's *Boss Rule: Portraits in City Politics* (1935), p. 22 note.

¹² *Ibid.*, p. 625. In *The American Political Scene* (ed. by Logan, 1936), p. 90, Professor Salter says: "The main thing for either the beginner or the old-timer in politics is to be able to look at life exactly as it is, and without a shudder"; and (p. 100) he must be "rigorously contemporaneous."

given through the leader of a division in order to maintain the lesser leader's prestige), and his own personality. According to the viewpoint of the committeemen, the *sine qua non* of a ward leader is the ability to produce jobs. As long as a boss can keep his men on the public payroll, he is practically invincible. Personality, political judgment, energy, and resourcefulness count greatly; for the more gifted the leader, the larger place he will have in the party councils, and consequently the more jobs he will have for his lieutenants." Before he can get the jobs, however, he must demonstrate his ability to get votes; and, therefore, a strong character and genius for handling men are indispensable qualifications.

The city of New York embraces five counties. As the law of the New York state does not require complete uniformity, the structure of the county committees shows a good deal of variation. Generally, the members are elected biennially, the representation of each election district being proportioned to the local strength of the party. Within each assembly district the members of the county committee form the assembly district committee. Theoretically, the latter chooses, as assembly district "leaders," two members—a man and a woman—of the county executive committee; in fact, the rival aspirants for leadership put up their own tickets in the primary, so that the county committeemen are elected as supporters of particular persons, the vote being cast, not for the former, but for the latter as assembly district leaders. The executive committee discharges all the functions of the general committee of the county, which, being composed of several thousand members, serves no other purpose than to confer a title of dignity upon party workers and exact annual dues of five or ten dollars. In New York county there are twenty-three assembly districts; as several of them are divided according to party rules, the Republican executive committee consists of sixty-four members (half of them women); the Democratic, of seventy.¹³ It is the executive committee, not the county committee, which elects the boss of Tammany Hall. In Kings county (Brooklyn) the Democratic executive committee consists of the members of the state committee, two from each assembly district; and dues of \$25 a year are exacted.

If one looked solely at the election law and party rules, the posi-

¹³ In the Republican executive committee the vote of each member depends on the number of county committeemen in his district; the Democrats assign one vote to each assembly district, dividing it equally among the leaders, who cast half a vote each if the district has not been divided.

The ward
boss or
district
leader

tion of the ward leader as a cog in the city machine would be quite misunderstood. In New York county he is named, apparently, as the free and deliberate choice of the assembly district committee. In reality, instead of the committee's naming the leader, it is the leader who names the committee. In advance of the primary he makes up his slate; and, if the slate wins in most of the precincts, the new committee promptly reelects him. The proceeding resembles the election of the President of the United States, in which we vote for pledged electors without even reading their names and know the result of the election a month before the electoral college meets. The ward boss receives from the committee a prize that he has already won. He holds his position, says Kent,¹⁴ "because he has the strength to hold it and for no other reason. No one can give him his job. He has got to get it himself, and he can hold it just so long as he has the strength to hold it and no longer. Political machines do not believe in civil service reform in city or state governments, but they themselves are formed, built, and run on the merit system. Efficiency is the test from top to bottom." There is no incongruity in the ward boss' doing homage to the boss of county or city and taking his orders. That feudal relationship is one of mutual advantage. The overlord fills a necessary rôle in coordinating the different parts of the machine and in opening up larger sources of patronage and, perhaps, of graft. Eager and anxious search for a successor followed the death of Charles F. Murphy; there was no heir apparent. The district leaders themselves felt the necessity of being led and, during the interregnum, did not find the committee of seven a satisfactory substitute for a boss. Of late Tammany has fallen upon hard days; it has been rent by faction and bewildered by a series of crushing defeats. Yet the succession of bosses has continued: George W. Olvany (1924-1929), John F. Curry (1929-1934), James J. Dooling (1934-1937) and Christopher D. Sullivan since 1937.¹⁵

¹⁴ *Op. cit.*, pp. 46-48.

¹⁵ The great leaders of Tammany had fought their way to the front without the advantage—Plunkitt would say the handicap—of much schooling. They had proved their worth as district leaders. Judge Olvany represented a new type; and Dooling, likewise, was a Fordham man, who actually taught Latin and Greek at that institution for a short time. He was the youngest of all the Tammany bosses, forty-one at the time of his election. He had gained political experience, however, under the tutelage of his father, Peter J. Dooling, who served as district leader for twenty-one years. There appears to be a prejudice against college men and lawyers as bosses of Tammany Hall. Yet Curry, who had no such disqualifications, was deposed by a vote of the executive committee.

Foley of
Tammany
Hall

The typical district leader of Tammany Hall is a man whose native capacity has been strengthened and disciplined by the stern realities of life. He began his career in politics with little education and no material resources. The late Thomas F. Foley (1852-1925) was driving a butcher's cart at the age of thirteen; he was learning the blacksmith's trade a little later. He became an election district captain at twenty-five and—after a spirited contest with Paddy Divver, who enjoyed the friendship of Croker and was believed to be impregably entrenched—district leader at forty-nine. He remained district leader till his death, although the highest place in the organization, it is said, was within his reach in 1924.¹⁶ Foley had, besides personal force and charm, other essential qualities of political leadership. He was true and loyal. No thought of personal advantage could shake his loyalty, his steadfastness to the given word. When it was proposed to choose a new boss in the place of Croker, Foley promised "Big Tim" Sullivan, who had helped him in his fight against Divver, that he would vote for John F. Carroll; and he informed the latter of his decision. Later Sullivan switched to the support of Murphy and asked Foley to do the same. "I can't do that," Foley replied. "I promised John I would vote for him." He stood by a lost cause and incurred the resentment of Murphy. "The politicians who make a lastin' success in politics," said another district leader, George Washington Plunkitt,¹⁷ "are the men who are always loyal to their friends—even up to the gate of the State prison, if necessary; men who keep their promises and never lie. Richard Croker used to say that tellin' the truth and stickin' to his friends

His loyalty

¹⁶ *New York Times*, January 16, 1925.

¹⁷ W. L. Riordon, *Plunkitt of Tammany Hall* (1905), p. 66. Plunkitt continued: "The question has been asked: is a politician ever justified in goin' back on his district leader? I answer: 'No, as long as the leader hustles around and gets all the jobs possible for his constituents.' When the voters elect a man leader, they make a sort of contract with him. They say, although it ain't written out: 'We've put you there to look out for our interests. You want to see that this district gets all the jobs that's comin' to it. Be faithful to us, and we'll be faithful to you.' The district leader promises and makes a solemn contract. If he lives up to it, spends most of his time chasin' after places in the departments, picks up jobs from railroads and contracts for his followers, and shows himself in all ways a true statesman, then his followers are bound in honor to uphold him, just as they're bound to uphold the Constitution of the United States. But if he only looks after his own interests or shows no talent for scenting out jobs or ain't got the nerve to demand and get his share of the good things that are goin', his followers may be absolved from their allegiance and they may up and swat him without bein' put down as political ingrates."

was the political leader's stock in trade. Nobody ever said anything truer and nobody lived up to it better than Croker. That is why he remained leader of Tammany Hall as long as he wanted to. Every man in the organization trusted him. Sometimes he made mistakes that hurt in campaigns, but they were always on the side of servin' his friends. It's the same way with Charles F. Murphy. He has always stood by his friends, even when it looked like he would be downed for doin' so."

His
knowledge
of men

Foley, too, knew men. He knew them not in the mechanical fashion of the psychologists, who are helpless in the face of concrete situations, but through insight, through intuition, through an accumulated experience in his dealings with men. If the boss were responsible for nothing but wickedness, Theodore Roosevelt observed,¹⁸ he would not last long in any community; the trouble is that "the boss does understand human nature" and fills a place which the reformer, without that understanding, cannot fill. To quote Plunkitt again: ¹⁹ "There's only one way to hold a district; you must study human nature and act accordin'. You can't study human nature in books. Books is a hindrance more than anything else. If you have been to college, so much the worse for you. You'll have to unlearn all you learned before you can get right down to human nature, and unlearnin' takes a lot of time. Some men never forget what they learned at college. Such men may get to be district leaders by a fluke, but they never last. To learn real human nature you have to go among the people, see them and be seen. I know every man, woman, and child in the Fifteenth District, except them that's been born this summer—and I know some of them, too. I know what they like and what they don't like, what they are strong at and what they are weak in, and I reach them by approachin' at the right side. For instance, here's how I gather in the young men. I hear of a young feller that's proud of his voice, thinks that he can sing fine. I ask him to come around to Washington Hall and join our Glee Club. He comes and sings, and he's a follower of Plunkitt for life. Another young feller gains a reputation as a base-ball player in a vacant lot. I bring him into our base-ball club. That fixes him. You'll find him workin' for my ticket at the polls next election day. Then there's the feller that likes rowin' on the river, the young feller that makes a name as a waltzer on his block, the young feller that's handy with his dukes—I rope them all in by giving them opportuni-

¹⁸ *Autobiography* (1913), p. 152.

¹⁹ *Op. cit.*, pp. 40-48.

ties to show themselves off. I don't trouble them with political arguments. I just study human nature and act accordin'." ²⁰

Foley, having been poor himself, sympathized with poverty.²¹ His benefactions were innumerable, we are told,²² and almost anybody, whether deserving or not, could get money from him on any sort of pretext. He was, in himself, an eleemosynary institution. He came to the assistance of hundreds of unfortunate families. He would make any sacrifice to help his friends. In 1923, while giving testimony in the Fuller bankruptcy case, he said: "I've been a fool all my life. Money never meant anything to me in all this life, or I'd had a room full of it. I don't know the value of money and I don't care anything about it. What I have my friends are welcome to all the time. They know that and so do you, and so does everybody who knows me." Out of friendship for a partner in the Fuller brokerage firm he had borrowed and lent them more than \$135,000 in the hope of averting failure. When asked if he had taken a note for the loan, he testified that he had told the brokers: "What the hell good is a note? If you pull out all right, give me back my

His
sympathy
with the
poor

²⁰ A. H. Lewis, *op. cit.*, p. 92, describes the penetration of Croker in this way: "And in their midst is Croker; smooth, silent, blindly ignorant of design on the part of anyone, and as though plot were preposterous as an idea; believing every lie, gulping every compliment like spring-water; the most fooled and cheated creature beneath the stars—apparently. But appearances waylay the fact. There isn't one about him whose measure for better or worse is not within the archives of his thought; no one he doesn't apprehend in his last true detail. Not one word does one utter that isn't instantly tried by the acid of what he knows; and this last is a term to cover the marvelous. In short it's a game—the game of politics; and Croker defeats these folk; and turns them, and twists them, and takes them in, and moves them about, and in all things does with them what one, expert, might do with children at a hand of cards. Croker knows these folk as he knows his way to bed; he knows what is in them as he knows the contents of his pocket; from beginning to end he uses them with the same cool, steady cunning where-with a mechanic uses his tools."

²¹ This is a real, not an assumed quality of most Tammany leaders. "Yes," said Croker, on a day when his habit of open-door to everybody had undergone a comment; 'yes, I see everybody. And particularly I haven't the heart to turn these poor people away. They squander my time, and often I can do them no good. But they don't know these things; and their small affairs are of as much interest to them as the business of any money monarch is to him. Were I driven to name what I regard as most to my credit, it would be that during the sixteen years that I've been at the head of Tammany Hall, every man, rich or poor, small or great, who wanted to see me, did see me, and was listened to. And when I could I helped him. I wouldn't want a better epitaph.'" Lewis, *op. cit.*, p. 98.

²² New York Times, January 16, 1925.

money. If not, put it down as a bad bet.”²³ Although large sums of money passed through Foley’s hands and he was supposed to be a millionaire, he left an estate of only \$15,000.²⁴

* Benevolence, more often spontaneous than calculated, is a common trait of the ward boss. He “fulfills towards the people of his district in a rough and ready fashion,” says Theodore Roosevelt,²⁵ “the position of friend and protector. He uses his influence to get jobs for young men who need them. He goes into court for a wild young fellow who has gotten into trouble. He helps out with cash or credit the widow who is in straits, or the breadwinner who is crippled or for some other cause temporarily out of work. . . . For some of his constituents he does proper favors, for others wholly improper favors; but he preserves human relations with all. He may be a very bad and very corrupt man, a man whose action in blackmailing and protecting vice is of far-reaching damage to his constituents. But these constituents are for the most part men and women who struggle hard against poverty and with whom the problem of living is very real and very close. They would prefer clean and honest government, if this clean and honest government is accompanied by human sympathy, human understanding. But an appeal made to them for virtue in the abstract, an appeal made by good men who do not really understand their needs, will often pass quite unheeded, if on the other side stands the boss, the friend and benefactor, who may have been guilty of much wrong-doing in things that they are hardly aware concern them, but who appeals to them, not only for the sake of favors to come, but in the name of gratitude and loyalty, and above all of understanding and fellow-feeling.”²⁶

²³ On one occasion he lent \$2,000 to a man who wanted to buy a saloon, but who spent all the money on a prolonged debauch. Foley never mentioned the loan to him. He only smiled.

²⁴ *Ibid.*, January 30, 1926.

²⁵ *Autobiography*, 153-154.

²⁶ “Tammany is a political organization one day in the year,” says Alfred Henry Lewis (*op. cit.*, pp. 158-159); “it is a charitable benevolent-fraternal organization three hundred and sixty-five. Does a brick-layer or a carpenter, or a laborer, or even such as a clerk or a bookkeeper find himself minus work, he goes to his ‘leader.’ One may meet from fifty to three hundred of these out-of-work folk waiting in front of every ‘leader’s’ house each morning. And the ‘leader,’ and his ‘election captains’ under him, make utmost effort to find places for these applicants. The ‘leaders’ haunt contractors and builders, and they trade favors for places. This exchange extends to street railway companies, express companies, and scores of other enterprises. The man offered must be good and

The ward boss usually maintains a club.²⁷ It is not as universal an institution as in England, where it flourishes in quite small towns. Throughout the country, Kent estimates,²⁸ there are probably some two thousand clubs, confined to the larger cities; Republicans and Democrats alike have one in every ward of Baltimore. Although any party adherent may belong, the active membership is usually small. Office-holders and office-seekers, henchmen of one kind or another dependent upon the bounty of the machine, form the nucleus. The precinct captains introduce young men who show promise of being serviceable. The dues are small, perhaps fifty cents a month; and no one is dropped for being in arrears. The ward boss meets the chronic deficits out of his own pocket which, no doubt, he has occult methods of keeping filled. The club serves various purposes. There the boss confers with his precinct captains; there the assemblyman or state senator or congressman gives an occasional talk; there the mercenary troops are kept under observation, schemes are hatched before the primary fight, and the interests of the machine brought

The ward
club

capable of his duties; that is what the company or the contractor demands. Satisfaction achieved in these directions, the 'leader' may send the candidate. . .

"Again, go into one of the numberless police courts of the town. 'Ten dollars or twenty days on the Island,' mumbles the magistrate, and the poor wretch is shoved aside without two-bits in the present, and the workhouse filling the future dead ahead. Just as you feel your sympathies for the puny malefactor, who for want of ten dollars must serve in captivity for twenty days, a cool person, well clad and business-like, pushes up to the clerk. He doesn't give the prisoner a look; often he doesn't know him, save by word of his undercaptains. 'Figure up that man's fine and costs,' he observes to the clerk. It is done; it is then paid by the cool man, who walks away with no more notice to the liberated one than mayhap a nod of short indifference. It is all cold and commonplace as a brief piece of political business. The cool person who pays feels no glow as one who does a charity, for he performs the ceremony, on an average, full two hundred times a month. Nor does the beneficiary of his interference boil with any turbulence of obligation. It is what he looked for. The 'leader' pays the fine with the thought that our soiled and broken gentleman, in present peril of the Island, will vote 'right' next time. And the soiled one does when the time arrives. And why should he not? It is the commonest, kindest animalism to be a friend to one's friends."

²⁷ The only detailed study of such clubs has been made by Roy V. Peel in *The Political Clubs of New York City* (1935). See especially his chapters on social activities (XV and XVI) and on anti-social activities (XXI). Professor Peel has been fairly exhaustive in his research; he has collected facts and figures; but, to one who frequented such clubs for a few years, the reality or spirit of club-life seems to be wanting. The bibliography, which includes Hocking's *Man and the State* and Briffault's *The Mothers*, does not mention Ostrogorski!

²⁸ *Op cit.*, p. 46.

to a focus. The atmosphere is one of good-fellowship and social relaxation. A card-room, pool tables, and magazines are provided; clam-bakes and chowder-parties, dances and picnics, arranged. The annual picnic of the Thomas F. Foley Association, for which only a nominal charge was made, cost the leader thousands of dollars. The club is the center for the distribution of Christmas gifts—clothing, food, and fuel. "A couple of years ago, when the sugar shortage was at its height," says a writer in the *New York Times*,²⁹ "a Tammany leader in a downtown district gave away a thousand pounds of sugar in one-pound packages to poor families in the neighborhood. The distribution was made from the organization clubhouse. . . . Imagine trying to beat the Democratic party in that district by going down there a month before election and shouting that some one or other is looting the city of millions and millions of dollars." However, systematized public relief and social insurance threaten to deprive the district leader of this great resource in building up his power.

SUSTENANCE OF THE MACHINE: SPOILS³⁰

Patronage
and graft

The machine governs and, like other governments, takes its toll. The boss himself and his retinue of servitors must have means of subsistence; his benefactions—the turkeys at Christmas, the police-court fines, the loans that are never repaid, all sorts of kindly attentions to the poor—entail large expenditures. Where does the money come from? The machine lives on public office and the spoils derived from office. The main sources of supply are patronage and graft.

Plunkitt's
view

Plunkitt, for many years Tammany leader of the fifteenth assembly district, established the vital importance of patronage by what he called a "sillygism." It took this form: ³¹ "First, this great and glorious country was built up by political parties; second, parties can't hold together if their workers don't get the offices when they win; third, if the parties go to pieces, the government they built up must go to pieces, too; fourth, then there'll be h— to pay. Could anything be clearer than that? Say, honest now; can you answer that argument? . . . When parties can't get offices, they'll bust. They

²⁹ April 23, 1922.

³⁰ In its historical aspects this subject is best treated by Ostrogorski, *op. cit.*, Vol. II, and *Democracy and the Party System* (1910), mainly an abridgement of the larger work, but brought down to date.

³¹ Riordon, *op. cit.*, pp. 24-26.

ain't far from the bustin' point now, with all this civil service business keepin' most of the good things from them. How are you goin' to keep up patriotism if this thing goes on? You can't do it. Let me tell you that patriotism has been dyin' out fast for the last twenty years. Before then when a party won, its workers got everything in sight. That was somethin' to make a man patriotic. Now, when a party wins and its men come forward and ask for their reward, the reply is, 'Nothin' doin'', unless you can answer a list of questions about Egyptian mummies and how many years it will take for a bird to wear out a mass of iron as big as the earth by steppin' on it once in a century.' I have studied men and politics for forty-five years, and I see how things are driftin'. Sad indeed is the change that has come over the young men, even in my district, where I try to keep up the fire of patriotism by gettin' a lot of jobs for my constituents, whether Tammany is in or out. The boys and men don't get excited any more when they see a United States flag or hear the 'Star Spangled Banner.' They don't care no more for fire-crackers on the Fourth of July. And why should they? What is there in it for them? They know that, no matter how hard they work for their country in a campaign, the jobs will go to fellows who can tell about the mummies and the bird steppin' on the iron. Are you surprised then that young men of the country are beginnin' to look coldly on the flag and don't care to put up a nickel for fire-crackers?"

The machine first of all disposes of the numerous elective offices.³² According to Jacksonian doctrine these are presumed to be in the gift of the people; in practice, as will be demonstrated in another place, the formula of popular election has been so extravagantly applied that the voter, asked to choose coroners and treasurers, sheriffs

Control of
elective
offices

³² According to Professor C. H. Woody (*The Case of Frank L. Smith*, 1931, p. 131), there are perhaps 66,000 elective offices in the state of Illinois. "In large measure," he says, "the persistence of this hunger for office is the continuing product of our complicated system of local government, and in this respect Illinois does not differ materially from other states. Here as elsewhere is found a confusing tangle of local jurisdictions ranging in importance from tiny drainage districts or similar units performing specialized functions up to the government of the state itself. Well-nigh all of these units are supplied with a complete list of elective offices performing official duties for which they receive compensation from tax money levied within their jurisdiction. Most of these carry in addition payrolls of appointed officials and carry on functions involving a greater or less expenditure of the public money. These offices, elective and appointive, together with the perquisites and spoils, power and influence appended to them, form the objectives for which politicians strive and constitute the rewards which compensate the successful political careerist."

and engineers, hide inspectors and veterinarians, abdicates his functions except in the case of the most conspicuous offices. He knows nothing about the duties of the offices, about the qualifications of competing candidates. He accepts the guidance of the machine; he votes the machine-made ticket; in 1910 and 1912 he elected (if the term may be used) and reelected a state engineer who was described by a New York grand jury as unfit to hold any public office and a state treasurer who hanged himself after a grand-jury investigation. The boss appoints; the voter ratifies the appointment. The machine, therefore, may distribute the elective offices among its adherents as a reward for service and as a means of livelihood, or sell them to pliable men under color of campaign contributions.

Control of
appointive
offices

The appointive offices are in the hands of the machine because the elective offices are. Richard Croker, during his examination before the Mazet Committee in 1899, maintained that Tammany was entitled to fill all offices because "that is what the people voted our ticket for."³³ Even a high-minded and public-spirited governor or mayor will concede patronage to the machine; he knows that otherwise he will be harassed and checked at every turn and held back from any positive achievement. There have been few governors like Hughes of New York (1907-1910), of whom it was said that the best way to secure his favor was to do nothing for him. "The fact that you have been campaigning so actively in my behalf," he told the late Job Hedges,³⁴ "precludes the possibility of my appointing you to any office. I cannot have it said that I distributed offices as a reward for support." In 1916 Theodore Roosevelt described Hughes as the kind of man who, in the election of that year, would vote for his opponent, Woodrow Wilson. Roosevelt himself, as governor, often deferred to Platt. "I consulted with Senator Platt," he testified in the Barnes-Roosevelt trial,³⁵ "because of his wide experience; I knew that the Senate was under his control and that to get any good result, I would have to go to the controlling power. I did not want to disrupt the Republican party and I was willing to consult Mr. Platt—even to defer to Mr. Platt—because I was not satisfied with having a merely negative government. I could prevent wrong being done if I broke with the organization, but I could not get affirmative right done if I did." The Republican machine controlled the senate,

³³ Gustavus Myers, *The History of Tammany Hall* (ed. of 1917), p. 287.

³⁴ Arthur W. Dunn, *From Harrison to Harding* (2 vols., 1922), Vol. II, p. 323.

³⁵ *New York Times*, April 29, 1915. The libel action developed out of a public address in which Mr. Roosevelt had attacked Mr. Barnes as a boss.

and could block his nominations; it controlled the assembly, and could utterly ignore his proposals for legislation. "It was advisable for me," said Mr. Roosevelt, "to go where the real power was—to talk with Mr. Platt."³⁶

The man elected to public office, if he has been picked by the boss, is expected to put his patronage at the command of the machine. Ben Lindsey of Denver discovered this when he became judge of the county court. "I forgot that I had been given the place as a 'political reward,'" he says.³⁷ "I was immediately reminded of it by the expectations of those political 'workers' whom the Board of County Commissioners wished me to appoint as officers in my court. They expected to succeed skilled clerks who had been in the service of the court for ten and fifteen years, and they had no qualifications for the places they wished to fill. They assured me that 'the Republicans did it,' that my party required it of me, and that if I looked to any future in the party I must be loyal now. When I refused to make a single clerk 'walk the plank,' their indignation was amazing. My friends the 'leaders' assured me that I need not expect a renomination for the bench; and the workers assured me that if I ever got a renomination they would 'knife' me at the polls. When I pointed out that the court had to be run efficiently, in the interests of the people, they replied: 'You'll find out, at the next convention, how much the people care.' Then Mr. Fred P. Watts, one of the county commissioners who had voted me into office, came to me with the proposal that I should discharge my obligations to him by appointing him administrator of whatever estates might be involved before the court; and when I refused this petition also, he promised me that he too would see that I had a proper reward for my ingratitude. . . . And finally, a lawyer-politician—an old friend whom I have not the heart to name—arrived with an incredible proposition that I should use my power as judge to have him appointed—wherever possible—guardian, administrator or referee, as the case might require, in the suits that might come before me; and he in return would divide his fees with me!"

Judge
Lindsey's
experience

³⁶ At the trial telegrams were produced to show the close association with Platt in the matter of patronage, one reading: "Alright. I will change the whole board of tax assessors." *New York Times*, April 27. But Roosevelt resolutely opposed the appointment or retention of unfit men. As to the case of the state superintendent of insurance see *New York Times*, April 21. Roosevelt describes and explains his attitude to bosses in his *Autobiography* (for example, pp. 290-292 of 1914 ed.).

³⁷ B. B. Lindsey and Harvey O'Higgins, *The Beast* (1910), p. 77.

Jobs for
party
workers in
New York

The county offices in New York City, says Paul Blanshard,³⁸ "are nests of the spoils system, reeking with incompetence and favoritism, and expensively operated by gentlemen of obvious unfitness." A commissioner of records, drawing a salary of more than \$6,000, could not read or write or spell his own name. Many offices exist simply to serve as soft berths for assembly district leaders and election district captains. There are 834 "exempt" positions, outside the merit system, which yield to political henchmen salaries aggregating \$2,300,000 a year. District Attorney Dodge employed 102 exempt assistants at \$433,845 a year. "They had all the powers possessed by Special Prosecutor Thomas E. Dewey, but they were apparently unaware of the rackets which operated under their noses, and which Dewey uncovered during the course of a few months. . . . The District Attorney's Offices are refuges for the more literate and sophisticated of the clubhouse fraternity. The Sheriff's Offices are reserved for those whose qualifications are solely physical. Our investigation of these offices has revealed that there is no great strain even upon these physical resources. The average deputy sheriff is rarely compelled to take his feet from his desk, and when he does, no great athletic exercise is demanded from him. The average deputy sheriff in the Civil Division in New York County, even with the aid of an assistant, handles less than three papers per month on which any work is demanded. . . . They receive salaries ranging from \$2,000 to \$3,000. . . . Seventy-five per cent of them are members of the county committee of their political party, and 63 per cent are chairmen of their local election district committees."

Illus-
trations:
(1) sher-
iff's office

Some stenographic reports of Mr. Blanshard's investigations are enlightening. He inquires into the case of Minnie Wright, drawing \$2,250 as secretary in the sheriff's office, Kings county.³⁹ "Question: Does she do any typing? Answer: No. Q: Does she know anything about bookkeeping? A: Well, candidly, no. She is a housewife, a wonderful woman. Q: What is she, a political appointee? A: Oh yes. They all are. . . . Q: Does she do any real work? A: I couldn't call it 'real work.' It is just copying work. Q: On the typewriter? A: Yes; in conjunction with the accountant she keeps certain records, she copies from my books and papers and the general account

³⁸ *Investigating the City Government in the La Guardia Administration* (1937), pp. 8, 9, 13, 14. As Commissioner of Accounts, Blanshard probed into all city and county departments by way of completing Judge Samuel Seabury's investigations.

³⁹ *Ibid.*, pp. 17-18.

book, and I am afraid to balance them because I would never be able to get a balance out of them. She does the best she can. To my mind, that is work that is absolutely superfluous. . . . Q: How many hours does she work there, do you think? A: She gets there a little after nine in the morning, and quits at two or half-past two or three o'clock."

Here is the testimony of John T. Nevins, chief deputy register of New York county at \$5,000 a year. "Q: What is your chief work—to sign certificates? A: Yes, and to look after the running of the office. There are two floors there, you know. I go around. I try to keep busy. I like to be busy. Q: In going around the different divisions, just what is it that you do? A: I just see that everything is all right, you know. That they don't smoke, read papers and see that the public is treated courteously. I am very strong on that and I don't know when I have had a complaint from the public. . . . Q: What do you do with this monthly report that is given to you? A: Leave it there. Q: No action is taken on it? A: No. Q: Your chief work then, I take it, as in other counties, is to sign such papers as the Register delegates to you to sign? A: Yes, all papers I sign. . . . Q: Are you familiar with the various recording acts? A: No. Q: Have you ever read the laws pertaining to your office? A: No. Q: What is the procedure? Are you familiar with the procedure in recording a deed? A: No, I just, as I say, I just see that the office is running, and we have very good heads of departments there." ⁴⁰

(2) Register's office

The doctrine that to the victor belong the spoils would meet with less objection if the machine filled offices with a single eye to competency. In its own service it enforces a most rigorous discipline; it punishes mercilessly (Platt uses the word of himself) both disobedience and inefficiency. But it applies no such standards to the public service. A man is put into office, not because he has suitable qualifications, but because it is necessary to furnish him with a livelihood, to reward loyalty in the past and secure it for the future, and (as he is often assessed a percentage of his salary) to enlarge the resources of the machine. Sinécures are provided for men who give all their time to politics,⁴¹ and the rolls are padded to include

Evil effects of spoils system

⁴⁰ *Ibid.*, pp. 19–20. Nevins got his appointment through John F. Curry, boss of Tammany. "Q: There was no difficulty at all, was there? A: Oh, no. I went to school with Mr. Curry. In fact, I stood up for him when he got married. I still pal around with him."

⁴¹ So in England—but without sinister implications—the ministry includes a

men who do nothing whatever except draw their pay. The public pay-roll exerts a tremendous fascination upon the political worker. It is astonishing what menial tasks he will perform, how long he will devote himself to the interests of the machine, with little more remuneration than drafts on the future. When the drafts are honored, though the office may be insignificant and the tenure uncertain, he is filled with satisfaction. He does not see that the same amount of exertion in another calling would have yielded larger material rewards. He resembles the race-track gambler, who exults in an occasional killing and forgets his earlier losses. He belongs to a confiding race, sustained by hope and by love of the game. To an unscrupulous man, it is true, public office may offer far more than the mere salary. He has influence to sell; and, so far as the machine allows him to act on his own initiative, the means of increasing his income, perhaps of accumulating a small fortune, lie within his reach. "My job's worth only \$1,500 salary," Judge Lindsey heard a convention delegate say,⁴² "but I easily make \$3,000 on the side." When a state senator was brought to trial for receiving bribes, Murphy, the Tammany boss, is said to have remarked: "How do you expect a senator to live on \$1,500 a year? That is only chicken feed."⁴³ A state senator in New York has, indeed, been offered as much as \$50,000 for his vote on a single measure.⁴⁴

The main resource of the machine—the working capital of the business, as Henry Jones Ford expresses it—is graft.⁴⁵ Graft assumes an infinite variety of forms. George Washington Plunkitt, in a moralizing mood, sought to show that in some forms it was perfectly legitimate. "Everybody is talkin' these days," he said,^{45a} "about Tammany men growin' rich on graft, but nobody thinks of drawin' the distinction between honest and dishonest graft. There's all the difference in the world between the two. Yes, many of our men have grown rich in politics. I have myself. I've made a big fortune out of the game, and I'm gettin' richer every day, but I've not gone in for dishonest graft—blackmailin' gamblers, saloon-keepers, disorderly people, etc.—and neither has any of the men who have made

considerable number of well-paid sinecures: for example, the office of First Lord of the Treasury, held by the premier (boss) himself; of Parliamentary Secretary to the Treasury and Junior Lord of the Treasury, held by the Whips; of Lord Privy Seal; and of Lord President of the Council.

⁴² *Op. cit.*, p. 58.

⁴³ Myers, *op. cit.*, p. 371.

⁴⁴ *Ibid.*, p. 350.

⁴⁵ In three years a "numbers" syndicate paid over \$155,000 to "Nucky" Johnson, boss of Atlantic City. *New York Times*, July 23 and 24, 1941.

^{45a} Riordon, *op. cit.*, pp. 3-5.

Graft:
"honest"
and "dis-
honest"

big fortunes in politics. There's an honest graft, and I'm an example of how it works. I might sum up the whole thing by sayin': 'I seen my opportunities and I took 'em.'

"Just let me explain by examples. My party's in power in the city, and it's going to undertake a lot of public improvements. Well, I'm tipped off, say, that they're going to lay out a new park at a certain place. I see my opportunity and I take it. I go to that place and I buy up all the land I can in the neighborhood. Then the board of this or that makes its plan public, and there is a rush to get my land, which nobody cared particular for before. Ain't it perfectly honest to charge a good price and make a profit on my investment and foresight? Of course it is. Well, that's honest graft. Or supposin' it's a new bridge they're goin' to build. I get tipped off and I buy as much property as I can that has to be taken for approaches. I sell at my own price later on and drop some more money in the bank. Wouldn't you? It's just like lookin' ahead in Wall Street or in the coffee or cotton market. It's honest graft, and I'm lookin' for it every day in the year. I will tell you, frankly, that I've got a good deal of it, too. . . . Now, in conclusion, I want to say that I don't own a dishonest dollar. If my worst enemy was given the job of writin' my epitaph when I'm gone, he couldn't do more than write: 'George Washington Plunkitt. He Seen His Opportunities, and He Took 'Em.'"

Perhaps the acquisition of Hunt's Point Park in the Bronx, New York City, might be taken as an example of "honest" graft. Although close to a trunk sewer, it was selected for the site of a public bathing-place. Upon investigation, Governor Hughes found that the property had an assessed valuation of \$4,300, that during the condemnation proceedings it was sold by the owners for \$86,000, transferred once more, and finally bought by the city for \$247,000.⁴⁶ On the other hand, when the Bronx sold worn-out Belgian paving blocks to contractors and repurchased them as new; or when payments were made to contractors on absolutely false statements certified in the borough president's office, the transaction savors of dishonest graft. But the politician who steals, Plunkitt observes,⁴⁷

Illus-
trations

⁴⁶ Myers, *op. cit.*, p. 328. In the building of the Bronx court house "the appointed architect was essentially a politician without professional qualifications who had hired others to do the architectural work. The granite contract for this building was awarded to the Buck's Harbor Granite Company, represented in New York by a Bronx Tammany district leader."

⁴⁷ Riordon, *op. cit.*, pp. 55-60.

is worse than a thief; he is a fool. "A big city like New York or Philadelphia or Chicago might be compared to a sort of Garden of Eden, from a political point of view. It's an orchard full of beautiful apple-trees. One of them has got a big sign on it, marked: 'Penal Code Tree—Poison.' The other trees have lots of apples on them for all. Yet, the fools go to the Penal Code Tree." Plunkitt recalled the case of the Republican superintendent of the Philadelphia almshouse who stole the zinc roof off the building and sold it for junk. "That's carryin' things to excess. There's a limit to everything, and the Philadelphia Republicans go beyond the limit. It seems like they can't be cool and moderate like real politicians."⁴⁸

From time to time the state legislature undertakes to investigate graft in New York City. The Hofstadter committee of 1932, with Samuel Seabury as counsel, made some interesting discoveries.⁴⁹ William F. Doyle, retired veterinarian of the fire department, made \$2,000,000, in a period of seven years, while practising before the board of standards and appeals. City Clerk Michael J. Cruise deposited \$217,246 between 1925 and 1931; City Court Clerk H. C. Perry, \$113,000 above his salary. Deputy City Clerk J. J. McCormick, with a salary of \$8,500, deposited \$384,000 in six years; and he now had a balance of \$257,000 scattered among thirty-four banks. Dennis Wright, a patrolman, accumulated \$99,000 in five years. His brother, now dead, had lent him part of it on a note (which the widow failed to produce). "More of it, he blandly explained, he borrowed from a 'sea-farin' man who formerly came occasionally to his late brother's hotel. What ship he sailed on, and to what port he headed, the former policeman testified, he had no idea." But he was holding the money for him. William J. Kavanaugh tried

⁴⁸ What would Plunkitt have said of this case, taken from *Time*, June 27, 1938? "When paunchy Robert M. Sweitzer ended 24 years as Cook County Clerk in 1934 with a \$453,202 shortage in his accounts, he smiled broadly but produced only \$39,073 of it. Ousted from public office and indicted on criminal charges, he charmed a jury into acquitting him and his smile became a grin. Last April he died, leaving an estate of \$25,500 and Cook County holding an empty bag. Clerk Sweitzer had been bonded by U. S. Fidelity & Guaranty Co. When his jury declared him innocent of a crime, the company refused to make good the missing moneys, which subsequent checking raised to \$533,817. Cook County went to court and last week another jury rendered a decision that would have made Bob Sweitzer shake with laughter: It awarded to Cook County \$269,126.55 from U. S. Fidelity & Guaranty to replace the swag that Bob Sweitzer, according to Cook County's legal records, did not steal."

⁴⁹ Walter Chambers, *Samuel Seabury: a Challenge* (1932), pp. 305, 334, 338, 339, 340, 341.

to explain deposits of \$250,000 by his success in games of stud poker. Under-sheriff Peter G. Curran mentioned, in connection with deposits of \$662,311 during a five-year period, his partnership in an undertaking establishment.

Judge Seabury had great difficulty in discovering the sources of sudden wealth. Sheriff Thomas M. Farley explained that he saved the money and kept it in a tin box.⁵⁰ He had as much as \$100,000 in the tin box at one time. "Well, then, we come to 1928," said Seabury. "That year you deposited \$58,177.75. Where did you get that money, Sheriff?" "That money the same way." "It came from—" "The good box I had." "Kind of a magic box, Sheriff?" "It was a wonderful box." Within six years he took \$360,000 from the box and deposited the money in banks. Seabury asked James A. McQuade, register of Kings county, how he had amassed a banking account of \$510,000.⁵¹ "Money that I borrowed," flashed the answer, as though it had been burning on the tip of his tongue. "If you want to get on to the start of it, I will have to take and go over the family in its entirety, without feeling that I am humiliated in the least or am humiliating the other thirty-three McQuades." When a man stole \$260,000 from the McQuade Brothers, the firm went bankrupt and sold eight seats on the exchange for \$6,000 each. The register, now being the only breadwinner, had the thirty-four McQuades on his back. He borrowed money. "I am getting along in fairly good shape, when my mother, Lord ha' mercy on her, in 1925 dropped dead. I am going along nicely, when my brother, Lord ha' mercy upon him, in 1926 or 1927 dropped dead. But doing nicely, when I have two other brothers, and when my brother died he willed me his family, which I am still taking care of, thank God. Two other brothers, who have been very sick and are sick, so much so that when your committee notified me, I was waiting for one of them to die. They have twenty-four children that I am trying to keep fed, clothed and educated, which means that I must borrow money." Unfortunately, he was so concerned about the thirty-four McQuades that he could not recall the name of anyone from whom he had borrowed.⁵²

⁵⁰ *Ibid.*, pp. 330-332.

⁵¹ *Ibid.*, pp. 335-338.

⁵² Various cases of great interest are discussed by Paul Blanshard, *Investigating City Government in the La Guardia Administration* (1937). Note particularly (pp. 30 *et seq.*) the revolting practices of superintendent L. G. McNally at the home for aged, friendless, and destitute on Welfare Island. Consider, too,

Sale of
privileges
and pro-
tection

In reaching out for graft the machine negotiates the value of its good-will, sells privilege and protection alike; and this form of graft is practised on his own account by the humblest adherent of the machine.⁵⁸ The tenement-house inspector, the factory inspector, the building inspector can be strict or lenient, meticulous or superficial, in the performance of his duties. He can fasten upon the most insignificant violations of the law or, for a consideration, close his eyes to the most glaring and pernicious. The building code is elaborate; with the best intentions in the world an honest man may overlook some minor provision and lay himself open to a penalty, or ignore some absurd requirement that is habitually treated as a dead letter. The code is not free from obscurity; varying interpretations are possible. The honest builder knows that there is a way to escape persecution; and he knows, too, that, refusing to take that way, to "see" the inspector and "come through," it will cost him more in the end; he will be caught in some unintentional violation; or some trade-union leader who works with the machine will call a strike, construction will be halted, and perhaps many thousands of dollars lost. Sometimes, yielding to veiled threats, he puts up with inferior workmanship, defective materials, and higher prices as disguised tribute for protection.

Favoritism
in law-en-
forcement

Graft flourishes in the administration of the law, particularly the criminal law. Americans, with a singular faith in legislation, have crowded the statute-book with pains and penalties. Every penal enactment, whether it is sound or fantastic,—whether it prescribes a minimum weight for a dozen hen's eggs or sheets of a certain size

the case of a Brooklyn superintendent of sewers whose bank deposits amounted to \$1,071,713 between 1920 and 1934, as against a total salary of \$96,804. *Ibid.*, p. 93.

⁵⁸ Paul Blanshard says (*op. cit.*, pp. 35-36): "During the Walker administration it was a matter of common knowledge throughout the city that crippled and disabled men who sought newsstand licenses had to pay large sums for them. Officially, licenses were granted without favoritism by the Department of Licenses, but in practice the licenses were granted by a little group of fixers. . . . The victims of this traffic were principally blind men and disabled war veterans, whose disabilities made difficult or impossible their engaging in other businesses than tending a newsstand. To meet the exorbitant demands made upon them, they had to part with their life's savings or borrow. As a result of these practices many of those imposed upon had to pay sums varying from \$1,000 to \$7,000 for licenses. In the majority of cases the amount demanded was approximately \$3,000 and in many instances the blind or crippled men who secured the licenses and worked 12 to 14 hours a day at their stands earned only \$15 to \$20 a week." Blanshard then proceeds to show in detail how the racket was operated.

for hotel beds, whether it forbids the carrying of concealed weapons or the use of a foreign language on the menu cards of restaurants,—affords opportunity for favoritism in its enforcement. The district attorney and the judges, the police and the police magistrates, if they are subject to corrupt influence, may use discretion in dealing with offenders. A judge owes his nomination to the machine; his term is drawing to a close; in his anxiety for the future he may listen to a whispered word and take refuge in a strained interpretation of the law.

In many of the large cities politics permeates the police force. "The baneful influence of the ordinary Tammany district leader in a single precinct station house," wrote General Bingham, after the mayor of New York had removed him from the office of police commissioner,⁵⁴ "is far-reaching. When he can do favors, or persuade the men that he can do them, his influence is something beyond belief. Some leaders have had more authority in some police stations than the executive head of the department. They have been looked upon as the men from whom to take orders. They have often visited the station not only to give bail for unlucky constituents, but to give orders to the captains and lieutenants. . . . Experience has taught them that if they displease the local powers they are apt to be transferred to a distant precinct." The police are used in many ways; not infrequently in the exploitation of vice. Money is extorted from houses of ill-fame which, like gambling resorts, can keep open only with the connivance of the police. They must pay whatever is asked, buy their liquors at fancy prices from a designated dealer, and even employ the doctor who is assigned to them. The machine draws tribute from the illegal sale of liquor and narcotics. It may have dealings with pickpockets, burglars, gunmen. In these forms of "dishonest graft" the men who occupy high places in the machine are seldom, it may be, personally concerned. But at least they acquiesce; they close their eyes to dealings with the underworld of which they can scarcely plead complete ignorance.

Tax assessors are favorably placed for the extortion of blackmail. Valuation is more or less arbitrary. As the general-property tax can easily be evaded by hiding intangible possessions such as mortgages and bonds, it falls all the more heavily upon the property that is discovered and assessed; and, the rate being high,—perhaps high enough to consume the whole income from the property, if there is any,—the assessor as a rule corrects this anomaly by making

Graft in
taxation

⁵⁴ Quoted by Myers, *op. cit.*, p. 339. Bingham fought police graft.

a low valuation. He exercises, therefore, a wide discretion. He can assess the property at its full value; he can, by investigation, trace the ownership of stocks and mortgages. Persons of great wealth may find it advisable to purchase immunity by bribing the assessor or making generous contributions to the party funds, which may amount to the same thing. Public service corporations, in view of their enormous investments in plant, are peculiarly liable to oppression. "The administration of the tax machinery," says Professor Gosnell, writing of Chicago,⁵⁵ "has presented a dilemma to the political bosses. If taxes are lowered or adjusted too generally, then the total revenues may be inadequate to meet the governmental pay rolls. . . . Reforms in methods of assessing real estate have greatly reduced the possibilities of political manipulation in this field, but the personal property tax still lends itself to the precinct tax-fixers. Since 1934, when the assessor became an elective officer and his appointees became largely political, precinct captains have again been going the rounds collecting personal-property tax bills and promising to take care of them. In some cases the party agent may merely give advice on the making-out of the schedules; in others, he may encourage his constituents to ignore the schedules or he may take the forms and hand them to an official, who conveniently buries them in his files. The assessor, the board of tax appeals, the county judge, the county treasurer, and the state's attorney all have some responsibility in connection with the assessment and payment of taxes; and it is very easy for a slip to be made somewhere along the line."

The proceeds of taxation also excite the cupidity of the machine. At any given time the county or state has large sums of money—millions of dollars, perhaps—on deposit. If the law, through silence, gives the treasurer control of this money, he may pocket the interest that it earns as a perquisite of his office. In Cook county (Chicago), a generation ago, the treasurer might expect to receive half a million dollars from this source during his four-year term. It was established in court proceedings that a state treasurer of Illinois, afterwards elected governor, had profited to the extent of something like a million dollars. Where the law requires that interest shall be paid into the public treasury, but leaves the selection of depositories to official discretion, there is still room for graft. The rate of

⁵⁵ *Machine Politics: Chicago Model* (1937), p. 77. J. T. Salter (*Boss Rule: Portraits in City Politics*, 1935, p. 18) gives a case in Philadelphia, where the boss intervened to recover excessive federal taxes paid, under protest, by a manufacturer. Here the use of influence was legitimate.

interest is low; the banks are eager to have the use of the money; they sometimes pay well for the privilege. Thirty years ago an investigation in Pittsburgh revealed the fact that several banks had paid an aggregate sum of more than \$100,000.⁵⁶

Business corporations have long been contributors to the sustenance of the machine.⁵⁷ In the period of rapid business expansion after the Civil War corporations, reaching out for franchises and other concessions, corrupted county boards, city councils, and state legislatures. They robbed the public by enriching public servants. As late as 1904 three New York life insurance companies spent three-quarters of a million dollars in the political jobbery of a single year; one company spent more than two million dollars between 1898 and 1904.⁵⁸ The politicians, once having laid their hands on such lucrative business, were dismayed when the corporations, replete with their spoils, showed a disposition to withdraw. They devised a means of keeping up the profitable connection. They would not let their paymasters go. The new device was legislative blackmail, the "strike bill." Thus, a state senator introduces a bill which is so framed that it will prevent an acetylene gas company of New York from doing business in New Jersey. He has no intention of pressing the bill to enactment. Instead, he cautiously approaches the gas company to find out what will be paid to have the bill killed in committee. Theodore Roosevelt, while governor of New York at the close of the last century, found that for every bill corruptly favoring corporations at least ten were introduced to blackmail them. Perhaps a third of the legislators were thoroughly corrupt. "The majority of the corrupt members," says Roosevelt,⁵⁹ "would be found voting for the blackmailing bills if they were not paid, and would also be found voting in the interests of the corporation if they were paid. The blackmailing, or, as they were always called, the 'strike bills,' could themselves be roughly divided into two categories: bills which it would have been proper to pass, and those that it would not have been proper to pass. Some of the bills aimed at

Blackmail-
ing cor-
porations

⁵⁶ C. E. Russell in the *Cosmopolitan*, Vol. XLIX (1910), pp. 283-292.

⁵⁷ Theodore Roosevelt says (*Autobiography*, p. 284) that big business was the most important element in the strength of the Platt machine. Large contributions from that source enabled Platt to keep his grip on the machine and protected business from adverse legislation. "When the money was contributed there was rarely talk of specific favors in return. . . . No pledge was needed. It was all a 'gentlemen's understanding.'"

⁵⁸ Report of legislative investigation, Myers, *op. cit.*, p. 307.

⁵⁹ *Autobiography*, p. 75.

corporations were utterly wild and improper; and of these a proportion might be introduced by honest and foolish zealots, whereas most of them were introduced by men who had not the slightest intention of passing them, but who wished to be paid not to pass them. The most profitable type of bill to the accomplished blackmailer, however, was a bill aimed at a real corporate abuse which the corporation, either from wickedness or folly, was unwilling to remedy. Of the measures introduced in the interest of corporations there were also some that were proper and some that were improper. The corrupt legislators, the 'black horse cavalry,' as they were termed, would demand payment to vote as the corporations wished, no matter whether the bill was proper or improper. Sometimes, if the bill was a proper one, the corporation would have the virtue or the strength of mind to refuse to pay for its passage, and sometimes it would not."

Methods
of black-
mail in
Illinois

Charles Norman Fay, drawing from long experience in the management of a public service corporation, has explained blackmail procedure in Illinois.⁶⁰ "Soon after the beginning of each session," he says, "one of this corrupt crowd in the House or Senate (let us call him O'Brien) would prepare a bill reducing telephone rates in cities of over 500,000 people (which in Illinois could only mean Chicago) from \$125 a year to \$3 a month. He would take this bill to one of the honest fools, from Chicago, if possible—though usually he had to go outside of the city to fill the part properly—and say to him, 'Don't you want to do a good thing for yourself and for the people of Chicago? Here is this Chicago Telephone Company, a cursed monopoly, charging \$125 a year here and only \$36 down in the country towns. Everybody says it is an outrage, and the man that stands sponsor for a bill abolishing such a steal will be the most popular politician in Illinois. Don't you want to be the man? . . . You can have the credit, and the bill will bear your name, if you will introduce it; and I will see that it passes.'" Mr. Greenhorn, fired with indignation against the company and not averse to the rôle of popular tribune, brings in the bill. Then a satellite of O'Brien calls upon the president of the company and advises him, at the cost of a few hundred dollars, to smother the bill before it leaves the committee. "'You can have a representative appear before the committee,' he explains, 'and let off a lot of hot air about the cost of doing business, heavy service rendered, and all that, and if you do the right thing by O'Brien he will get you an adverse report on the

⁶⁰ *Big Business and Government* (1912), pp. 185 et seq.

bill; or if you prefer he will just forget it and let it die in committee for want of breath.' ” The president, nevertheless, holds back. He refuses to pay blackmail at this stage.

Then O'Brien gives a tip to some newspaper man. What is holding the bill in committee? What secret pressure is being exerted to save the company and defeat the popular will? “The reporter promptly telegraphs his paper, and next morning it has a scare headline, ‘Mysterious Disappearance of the Telephone Rate Bill. Sinister Influences at Work against Relief for the People.’ A column of imagination, picturing the wrath of honest Mr. Greenhorn at the smothering of his offspring, the depravity of the telephone company and its secret methods, and the vigilance of the press, follows the headline; and the fat is in the fire. Next Saturday Mr. O'Brien's message to the telephone president changes. ‘Now you must act quickly! But it will cost you more. The confounded newspapers are on to the fact that the bill does not come out of committee, and O'Brien can't hold it much longer. The Boys on the committee demand more money. It is too risky, while the papers are calling for a report, just to lose the bill accidentally. It must be reported out adversely, and the Boys will hear from it next election, and must take the burden of defending their course. If the company does not “come across” with \$1,000 the bill goes to third reading next week.’ ” Perhaps this argument does not prevail; the bill passes the house and goes to the senate. “There the same pressure is repeated, only worse. For there is a solid majority in the upper house that can do what it pleases in short order with any bill.”

Public contracts are a fruitful source of graft. It is true that the letting of contracts is usually surrounded by elaborate safeguards. But these are often utterly ignored. Thirty-odd years ago, when Governor Hughes removed the president of the borough of Manhattan, it was shown that more than a million and a half had been spent, contrary to law, in the purchase of supplies without public tender and that the charges ranged from 100 to 500 per cent above the market prices.⁶¹ More often everything is quite in order; the law is respected in its minutest detail; the specifications, describing the methods of construction and materials to be used, cover every conceivable point. No fault can be found with the contract. It is the knowledge that the terms will not be rigorously enforced that enables “insiders” to underbid their competitors. The political contractor knows that the time clauses will be waived, that penalties will be arbitrarily liqui-

Graft in
public
contracts

⁶¹ Myers, *op. cit.*, pp. 324 *et seq.*

dated, and that fraudulent claims will be paid without investigation.⁶² In the borough of Manhattan, Tammany district leaders were paid large sums for the repair of asphalt roadways, the alleged "fire burns" being in reality defects in their own original construction. The business of contracting can be very profitable; and machine politicians have not overlooked its potentialities. "Under this plan," says Gustavus Myers,⁶³ "a plan that afforded the most plausible opportunity for explaining the sudden acquisition of wealth, Tammany men became open or secret partners in contracting firms, using the pressure of political power to have large contracts awarded to their concerns. It was not necessary for these leaders to know anything of contracting; they could be ignorant of every detail; their one aim was to get the contracts; the actual skilled work could be done by hired professional men. No law penalized such men, respectable in every appearance."

MAKING WAR ON THE MACHINE

Limited
success of
reformers

For the past sixty years the fight against corrupt politics—the struggle for emancipation, Ostrogorski calls it—has been conducted according to a variable strategy and sustained by hope rather than by signal success. More or less sporadic and desultory at first, imperfectly organized, inadequately supported, the reform movement achieved some victories, but victories of a doubtful kind, which left the machine in possession of the field or entrenched elsewhere with no signs of demoralization. The machine has proved stronger than its enemies supposed. It has excelled in generalship. The rank and file have shown constancy and discipline. Those who regard the machine as a small band of freebooters, execrated by public opinion and sustained only by the spoils of brigandage, ignore the most obvious facts. Press and pulpit and civic club may represent one section of public opinion and, by mere volume of sound, give the impression that they represent it all; but time after time, in primaries and elections, where numbers count, the boss has shown conclusively that he has a good many friends. Friends through self-interest, it may be said; friends bought with office or the expectation of office, with a half ton of coal, a reprieve from eviction, or free medical attendance. Does not the boss follow the tactics of Polycrates, tyrant of Samos, who won the gratitude of his people by confiscating all

⁶² These illustrations are taken from the charges on which Governor Hughes removed Louis F. Haffen, borough president of the Bronx. *Ibid.*

⁶³ *Op. cit.*, p. 310.

their property and then handing half of it back again? True enough, the boss takes before he gives; he can afford to be generous because first of all he is unscrupulous. His friends—like his enemies—may be moved by self-interest. At any rate, he has friends and knows how to keep them.

But, important as these factors are in explaining the resistance-power of the machine, the capital point is one of strategy. The reformer has done everything but the right thing. He has delivered his attacks everywhere but on the main front. He is always rushing troops to Saloniki. What American politics needs is a concentration of authority, responsible, unfettered leadership inside the government—bossism of the right kind as an antidote to bossism of the wrong kind—and an end to the colossal imposture of electing county treasurers and bailiffs of the municipal court. A notable advance has been made, it is true, in new types of city government; a few offices have been taken off the ballot in some counties. But on the whole, in spite of partial administrative reorganization in a dozen states, the main lines of the machine trenches are held intact. The warfare has ranged about every minor outpost without involving the key positions. In his *Republic* Plato reaches the heart of the subject.⁶⁴ He ridicules people “who imagine that with their everlasting enactments and amendments . . . they will find some way of putting down the knaveries that are practised in contracts, and those other embarrassments which I have detailed just now, little thinking that they are in reality only cutting off the Heads of a Hydra.” They are like invalids who, “from their want of self-restraint, cannot make up their minds to relinquish a pernicious course of life. . . . And truly such people lead a charming life! Always in the doctor’s hands, they make no progress, but only complicate and aggravate their maladies; and yet they are always hoping that some one will recommend them a medicine which will cure them.” They refuse to take the drastic measures which alone will be effective; instead they try drugs, or caustic, or the knife, or even charms and amulets. So apposite are his words that Plato might have been commenting on the actual situation in the United States. Ralph Adams Cram expresses much the same ideas in his *Nemesis of Mediocrity*.⁶⁵ He speaks with contempt of “the insane devising of mechanical toys. . . . So obsessed have we become by our pursuit of new devices for obtaining democracy, and by our search for nostrums to

Their attacks misdirected

⁶⁴ Book IV, 425–426.

⁶⁵ 1919, p. 24.

cure the ills of our constant failures, that we have now wholly forgotten in what democracy consists."

What has
been ac-
complished

Reform has won campaigns, and often enough exaggerated them into decisive operations. Civil-service reform, the application of the merit system to administrative offices that are filled by appointment, checked the machine at one point without seriously impairing its power. Even if the system had been more generally applied—instead of being confined to the services of the federal government, nineteen states, and some nine hundred cities,⁶⁶—it would not have starved the boss into surrender. However keen his appetite for the spoils of appointive office, he does not live by that kind of bread alone. The elective offices are sufficiently numerous to afford him the means of replenishing his commissariat. He is resourceful; when threatened with a shortage of the usual supplies, he readily discovers substitutes that are rich in calories and vitamins. Nor does it follow that, because public officers get their places through competitive examinations, they are taken out of the orbit of the machine. The relation between the police and politics in some of our large cities indicates something very different. Civil-service reform was followed by ballot reform; but the secret Australian ballot, in its American form (recognizing parties) and under American conditions (with a multitude of elective offices), helped almost as much as it injured the schemes of the professional politician. Later on, the progressive movement introduced a series of new devices: the initiative and referendum, which were intended to correct legislative abuses; the recall, which would allow the people to sit in judgment

⁶⁶ *Civil Service Agencies in the United States: A 1940 Census* (Civil Service Assembly, Pamphlet No. 16, July, 1940); and letters of August, 1941, from the Assembly and the National Civil Service Reform League. The nineteen states are: Alabama, California, Colorado, Connecticut, Illinois, Indiana (incomplete), Kansas (1941), Louisiana (1940), Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Rhode Island, Tennessee, Wisconsin. Of the cities, nearly half are located in Massachusetts, New Jersey, New York, Ohio, and Pennsylvania. The merit system exists in 84.9 per cent of cities with a population of 100,000 and more; 68.3 per cent, of 50,000 to 100,000; and 65.3 per cent, of 30,000 to 50,000. It has been applied to 175 of 3,053 counties, all but thirteen of them being in New Jersey (12), New York (62), and Ohio (88). On December 31, 1940, 73 per cent of the employees in the executive branch of the federal government were covered by the merit system. In April, 1941, (under the Ramspeck Act) the President extended the merit system to 182,000 positions; and a committee appointed by him urged further extension to all but policy-determining offices. Democratic spoilsmen, by evasive methods, still cling to postmasterships.

upon their elected officers in the interval between the (all too frequent) regular elections; and the direct primary, which would give the voter an immediate voice in choosing party candidates and party committees. At the same time, in a less spectacular fashion, technical improvements were developed in administration: budget systems, systems of cost accounting, forms of procedure that made for efficiency and exposed waste or malfeasance. Equally notable at this period was the activity of innumerable reform agencies. Effective counterorganizations took the field against the machine, some of them possessed of an extensive membership, others consisting of a self-appointed secretary and a letterhead, but all proficient in the art of salesmanship and in the latest approved methods of manipulating public opinion.

It may be said of the progressive movement that it gave a higher tone to American public life. If some of the crusaders sought personal advantage, others were actuated by high ideals and communicated these to their followers. The direct primary and the other devices,—the initiative, referendum, and recall,—if regarded simply as standards to which the wise and honest could repair, accomplished a great good. In the vision of a virtuous people enthroned, they provided the “myth” which, Georges Sorel has said, is indispensable to every great popular movement. Their practical value, however, as instruments of popular control has been exaggerated. They cannot of themselves eliminate machine politics, because they leave the real source of evil untouched; collective action without leaders is impossible, yet they do nothing to provide leadership. In one sense their effect must be the reverse of beneficial. They add greatly to the complexity of a political system already so complicated that only the professional politician can work it. Indeed, these new devices lend themselves quite as readily to the schemes of the expert wire-puller as to the somewhat inchoate purposes of the “people.” Their results cannot accurately be appraised while the first flush of popular enthusiasm lasts and while the expert is still examining the mechanism to see how best he can use it.

The progressive movement appraised

We are sometimes told that the direct primary and direct legislation, by restoring government to the people, have restricted the area of bossism and reduced its powers. Those devices did generate enthusiasm among so-called progressives, particularly in the West; they did, as articles of faith, impart ardor to successive attacks upon infidel strongholds. Eventually, however, their very cumbersomeness would work to the advantage of the enemy. The simplification of

Temporary decline of partisanship

municipal government gave far better results. When power and responsibility were concentrated in a commission, the need for a local boss and local machine was no longer felt. But let it be understood that, if the machine has grown weaker and in some areas tended to disappear, there has been a general weakening of party organization. Party spirit has declined; the party name no longer casts a spell; mugwumps are encountered everywhere. The situation is not peculiar to our own country. Abroad old parties have been shaken by strange perturbations or obliterated altogether. The growing impatience with partisanship may mark a transitional phase in our politics, a preliminary to the redistribution of political forces and a realignment of parties, more definitely upon the basis of economic cleavages.

Its serious import

Partisanship is sometimes represented as a mere superstition; its decay eulogized as an evidence of intellectual awakening. Senator Norris of Nebraska has said that, if the direct primary substitutes individual responsibility for party responsibility and thus does away with party control, it will have justified its existence.⁸⁷ According to another way of thinking, it will have wrecked democratic government; for individual responsibility without party responsibility means chaos. On the very eve of dictatorship in Italy and Spain, Bryce expressed his pessimistic conclusion that "few are the free countries in which freedom seems safe for a century or two ahead." Even in the United States the decay of partisanship cannot be viewed without disquiet. The democratic régime can no more function satisfactorily without strong parties than parties without strong organization.

⁸⁷ *Annals of the American Academy*, Vol. CVI (1923), p. 24.

Part IV
NOMINATIONS

Chapter XVIII

THE DIRECT PRIMARY

Party organization has three main objects: the nomination of candidates, the conduct of the campaign for their election, and the co-ordination of party effort in shaping the course of the government. It is the first of these objects that has exerted most influence upon organization in the United States. The convention system of the nineteenth century and the direct-primary system of the twentieth were devised to facilitate an understanding in advance of the election, a concentration of the party's voting strength which, without some preliminary agreement upon candidates, would tend to become dispersed. Before the adoption of the Australian ballot the party nominated candidates for the various offices, printed a "ticket," and distributed it among the voters on election day; and, although independent candidates, singly or by means of a ticket embracing all offices, had the right to come forward in the same fashion, the great mass of voters preferred the slate that bore the imprimatur of the regular party organization. The Australian ballot law modified these arrangements. Henceforth the party tickets appeared upon the official ballot, the state from the outset defining party on the basis of the vote polled in the last election and later prescribing the method by which party nominations should be made. It still remains true that the contest in elections is normally between competing party tickets; but it is equally true that the rights of minor parties and of unorganized independent voters in the making of nominations have not been impaired.

Importance of party nominations

Indeed, under existing state laws, nomination is not a necessary precedent to election. Any qualified person may be elected to office, even though he has not been nominated and his name has not been printed on the ballot. In almost all the states the voter is expressly permitted to "write in" the name of such a person.¹ "There shall be left at the end of the list of candidates for each different of-

Alternatives to party nominations

¹In Maryland by court decision (1937). Exceptions: Delaware, Georgia, Indiana, Mississippi, Nevada, Oklahoma, South Carolina, and South Dakota.

(1) "Writing in"

fice," according to the Colorado law,² "as many blank spaces as there are persons to be elected to such office, in which the elector may write the name of any person not printed on the ballot for whom he desires to vote as a candidate for such office." The Colorado courts have held that the intention of the voter is sufficiently clear even when he writes the name below a printed name (without obliterating it) and in the same space.³ When voting machines are used, there is often a provision made for what is termed an "irregular" ballot; that is, to quote the Illinois law,⁴ "voters may, by means of irregular ballots or otherwise, vote for any person for any office, although such person may not have been nominated by any party and his name may not appear on such machine." In some states the use of stickers or pasters—slips of paper bearing a printed name and having a gummed back—is recognized as an alternative to "writing in."⁵ The Indiana law apparently allows no other method; and

² According to the *California* law: "He may vote for a candidate or person whose name is not printed on the ballot by writing a name for that office in the blank space left therefor, in which latter case his vote shall be counted for the person whose name is so written." *Wisconsin*: "Any voter may write upon his ballot the name of any person for whom he desires to vote for any office." *North Carolina*: "If the elector desires to vote for a person whose name does not appear on the ticket, he can substitute the name by writing it with a pencil or ink in the proper place, and making a cross mark in the blank space at the left of the name so written. . . . No sticker is to be used." *Maine*: "Below the name of each candidate for any office in any group there shall be left a blank space on which the voter may write the name of any person for whom he desires to vote as a candidate for such office. . . . Stickers shall not be counted unless used to fill a vacancy or correct an error on the printed ballot." Twenty states have a similar provision regarding the use of stickers. See J. P. Harris, *Election Administration in the United States* (1934), p. 178, note 32. By court decision the practice of writing in has been stopped in Mississippi, except when a candidate whose name appears on the ballot has died; and restored in Maryland (1937), thirteen years after the repeal of the law allowing it.

³ *Baldwin v. Wade*, 50 Colo., 109.

⁴ Art. XX, Sec. 1.

⁵ Thus, the *Washington* law provides that "nothing in this chapter contained shall prevent any voter from writing or pasting on his ballot the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter." *New Jersey*: "Nothing contained in this act shall prevent any voter from writing or pasting under the proper title of office in the column designated Personal Choice the name or names of any person or persons for whom he desires to vote whose name or names are not printed upon the ballot." *Pennsylvania*: "Any ballot indicating a vote for any person whose names is not printed on the ballot, by

it requires the paster to take the form of a complete ticket, containing a list of all offices to be filled at the election and the name of a person for each office.⁶ The principle of writing in names that do not appear on the ballot has been held by some courts to be an essential guarantee of equal opportunity to the voters.⁷ It is, in practice, a somewhat illusory privilege.⁸ To satisfy a personal sentiment voters may make use of it on occasion; but rarely can they be induced to do so in such numbers that the result of an election is affected. It has one positive advantage: it affords a means of escape in unforeseen emergencies—when, for example, after the last day for filing nominations, new issues are injected into the campaign and new personalities brought into prominence, or when the whole situation is suddenly transformed by the death of a candidate for mayor or district attorney.^{8a} In such circumstances a considerable body of opinion may find no satisfactory means of expressing itself through the printed ballot; by concerted action a name is written in. This procedure evidently serves the public interest. Nevertheless, handwriting on the ballot may reveal the identity of the voter. The man who buys a vote and wishes to make sure of its delivery has only to insist that, for purposes of identification, a specified name be written in a specific place. On this account printed stickers are obviously better. The Delaware law provides that “if any name be written on any ballot the ballot shall be void and not counted,” but it is silent with respect to the use of stickers.

The right of making nominations and of having the names of writing, stamping or stickers, shall be counted.” The laws of Montana and New Jersey also permit the use of pasters; so does a court decision in Wisconsin (1926) and an attorney-general’s opinion in Minnesota (1934).

⁶ The paster must contain at least one name that does not already appear on the ballot.

⁷ See, for example, John G. Saxe, *A Treatise on the New York Laws Relating to Elections* (1913), p. 12; and J. P. Harris, *Election Administration* (1934), p. 176, note 28.

⁸ Such also is the opinion of J. P. Harris (*op. cit.*, p. 176). Professor H. F. Gosnell (*Machine Politics: Chicago Model*, 1937, p. 36) says that “write-in” campaigns for the elections of ward leaders in Chicago primaries “are extraordinarily difficult to conduct and require great zeal, money, intelligence, and organizing ability. . . . There is no known instance of a candidate for ward committeeman who waged a successful ‘write-in’ campaign against an opponent who had the regular party organization support.”

^{8a} In most states the law provides that, when a casual vacancy has been filled after the printing of the ballot, the name of the substitute candidate shall be affixed by official use of pasters.

(2) Independent nominations by petition

their candidates appear on the printed ballot is not confined to those organized political groups which, by reason of the size of their vote, enjoy the legal status of parties. The election law provides for independent nominations as well. Any group of voters may bring forward candidates by filing a petition with the proper public authority.⁹ The petition must be filed during a fixed period, sometimes before the party primaries have taken place (as in Indiana and Nevada), but usually afterwards and a month or more before the election. In the latter case a complication arises; for, if any person who has sought a party nomination and been defeated in the primary offers himself, nevertheless, as an independent candidate, he does in a sense betray the party to which he professed allégiance. He enters the field as an opponent of the party, with the hope of impairing the solidarity of its vote. Such a course cannot easily be reconciled with the obligations of party membership. In fifteen states the law declares that no one who has been defeated in the primary can become a candidate in the general election. These states are: California, Colorado, Florida, Kentucky, Maryland, Minnesota, Nebraska, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, Wyoming.¹⁰ Four of these states lie in the Solid South. The other six states in that region accomplish the same result by means of party rules; but in May, 1938, the South Carolina convention of the Democratic party rescinded the rule, by a vote of 213 to 120, evidently because of dis-

⁹ The term "petition" is used in some states (Nebraska, New Hampshire, New York, Ohio, Wyoming); "nomination paper" in others (California, Illinois, Louisiana, Pennsylvania, Rhode Island); and "certificate of nomination" in still others (Arizona, Maryland, Oregon, Utah, West Virginia). As a rule, the petition must name a committee which is empowered to fill the vacancy that may be caused by death or retirement of the candidate. No provision for the filing of independent nominations appears in the election law of Connecticut, Delaware, Idaho, Michigan, or New Mexico.

¹⁰ The prohibition takes various forms. Thus in Nebraska "no candidate defeated at the primary election shall be permitted to file by petition in the General election next following." In North Carolina candidates for nominations pledge themselves "to abide by the results of said Primary, and to support in the next General Election all candidates nominated by the — party." In Texas every voter in the primary must declare himself a member of the party and promise to support its nominees, although the candidates for nomination are not separately bound as such. Maury Maverick, beaten in the Democratic primary of 1938, sought to run as an independent (by petition) for the House of Representatives in November. The secretary of state ruled that his name could not appear on the ballot. *New York Times*, August 23, 1938.

satisfaction with the New Deal.¹¹ The petition of an independent candidate must be signed either by a stated number or by a percentage of the qualified voters: in Arizona and West Virginia by 1 per cent, in Missouri by 2, in Massachusetts by 3, in California by 5, and in North Carolina by 25 per cent of the voters in the state or subdivision of the state; in Illinois by 25,000 for a state-wide office (including 200 from each of 50 counties) and not less than 5 or more than 8 per cent for other offices; in New York by 12,000 for a state-wide office and 7 per cent for other offices; in Wisconsin by 1,000 for a state-wide office and 3 per cent for other offices; in Kentucky by 1,000 for a state-wide office, 400 for congressional office, 100 for county offices, and 20 for others; in Utah by 500 for a state-wide office, 50 for districts smaller than a county, and 100 in all other cases.¹² Occasionally, the percentage is based, not on the total vote in the preceding election, but on the vote of the successful candidate for the office in question.

In Nevada the certificate of nomination must now be signed by 5 per cent of the voters. Before 1925, however, only ten signatures were required for nomination to any office in the state. Ten is the number required in Great Britain and the British Dominions. If hundreds or thousands of signatures must be obtained, the prospective candidate is involved in trouble and expense. According to the law, no voter may sign more than one petition for the same office, or, in some states, sign any petition whatever if he has participated in a primary, or participate in a primary after having signed an independent-nomination paper. Notwithstanding the fact that each sheet of the petition must be authenticated by the affidavit of a qualified voter, who swears that he knows the voters and that they signed in his presence, many of the signatures are likely to be fraudulent. Fraud occurs most frequently where agents are employed and paid a few cents for each signature. As a rule the public officers who check the petitions perform this duty in a perfunctory way. At times, however, a careful examination has revealed the most outrageous impostures,

No need of
numerous
signatures

¹¹ Frank R. Kent in the *Los Angeles Times*, June 1, 1938. The state convention of 1940 restored the rule.

¹² Where a percentage is required it may vary inversely with the size of the electoral area. Thus, in Minnesota: 1 per cent (but not more than 2,000) for the state, 5 per cent (but not more than 500) for the congressional district, and 10 per cent (but not more than 500) for smaller areas. In Oregon: 3 per cent for state or congressional district, 5 per cent for other districts, 10 per cent for precinct. In Texas: 1 per cent for state; otherwise 3 per cent, but not more than 500.

the presence of fictitious names and of names copied in the same handwriting from the register of voters or from the telephone directory. In California it is a felony to sign a fictitious name or the name of another person. The excuse for requiring numerous signatures is that otherwise there would be a plethora of candidates. The argument is of doubtful validity. If a man is well-known and popular or if he is brought forward by the machine merely to draw votes from a dangerous reform candidate, he will not be deterred by a somewhat oppressive requirement. On the other hand, if he is obscure and without backing, and yet can offer himself because few signatures are required, his name will not add to the complexity of the ballot or injure the prospects of other candidates. The task of the voter is affected, not by the presence of many candidates—he will pick the man he knows and wants as easily from among a dozen candidates as from among three,—but by the multiplicity of elective offices. At any rate, frivolous candidatures can be discouraged in other ways. In England a parliamentary candidate must make a deposit of £150, which is forfeited if he does not poll more than an eighth of the total vote.¹³ There is no reason why such a plan should meet with objection here. In half the states the law requires candidates in the primary to pay a fee, usually a small one, it is true, but rising to 3 per cent of the salary of the office in Florida and to \$270 in Maryland. It cannot be said that the poor man would be unduly handicapped by the English system. He would escape the expenses of the primary campaign, now a very real deterrent; and, if he developed any considerable strength in the election, his deposit would be returned.

Possible
results of
the system

Nomination by petition is the only method recognized in England and in several other European countries. It is the only method recognized in the Boston municipal elections where, as in England, the names of the candidates appear on the ballot without any party designation.¹⁴ Under the Boston system parties are ignored. If they make nominations, they do so like any other group of voters. The law has nothing to do with the holding of party conferences or

¹³ In Canada the parliamentary candidate deposits \$200, and loses it if he does not poll half as many votes as the successful candidate. For the legislative assembly of Manitoba the fee is \$200, but only \$100 in Alberta and Saskatchewan. See J. P. Harris, *Election Administration in the United States* (1934), p. 168.

¹⁴ In Boston the nomination paper must bear 3,000 signatures for the office of mayor and 300 for the office of city councillor. The councillors are now elected by wards.

primaries or conventions; it is concerned only with the filing of a nomination paper. The process by which an agreement in favor of any particular candidate has been reached is not supposed to be a matter of public concern. Obviously the effects of such a system, if generally adopted, would be to sweep away the great mass of legislation that now regulates the affairs of parties and to restore parties to their old status—the status they hold everywhere outside this country—of voluntary associations. The same result might be achieved by the extended use of what is termed the nonpartisan primary.¹⁵

The nonpartisan primary has been applied mainly to judicial and local offices. It is a direct primary in which all qualified voters may participate, whether or not they are affiliated with any political party, and in which no party designation of any kind appears upon the ballot.¹⁶ It may be held at the same time and place as the party primaries. In that case the voter enrolled with a party receives both his party ballot and the nonpartisan ballot; ¹⁷ the independent voter receives only the latter. In the nonpartisan primary two nominees are selected for each office, these being the two who received the highest vote; and their names are placed on the election ballot without any party designation. In California, however, only one name appears on the election ballot when one of the candidates in the primary has secured a majority of all the votes cast for the office he is seeking; and there appears to be no excuse for going through the formality of election in that way since a constitutional amendment of 1926 declares that such a candidate has already been elected by virtue of the primary vote, an arrangement already familiar in the case of Chicago aldermen.

(3) Non-partisan nominations

The system first appeared in the making of municipal nominations. Reformers contended that, when elections were conducted along party lines, state and national issues distracted attention from municipal issues. "The comparatively recent demand for real efficiency in municipal government," says Professor Cushman,¹⁸ "brought with it a recognition of the distinction between politics and administration and of the fact that city government is largely a

Nonpartisan primaries for city offices,

¹⁵ On this subject see R. E. Cushman, "Non-partisan Nominations and Elections," *Annals of the American Academy*, Vol. CVI (1923), pp. 83-96.

¹⁶ Names are placed upon the ballot by petition.

¹⁷ Or, as in California and Nevada, a party ballot upon which the candidates for nonpartisan nominations also appear.

¹⁸ *Op. cit.*, pp. 83-84.

matter of administration. The real issues in municipal elections are, in the main, issues of administrative efficiency rather than issues of policy upon which political parties might be expected to differ. It has seemed desirable, therefore, to rule out partisanship from the field of city politics as an irrelevant hindrance to business-like administration." One method of ruling out partisanship was to separate municipal elections from other elections in point of *time*. Another was to separate them in point of *method*, that is, through the non-partisan system. The system has been applied to cities with home-rule charters, cities of certain classes, or all cities in California, Missouri, Minnesota, North Dakota, Ohio, Washington, and Wisconsin. Nor has it been confined to municipal elections. If the intrusion of national parties is objectionable there, it is, for similar reasons, out of place in the government of counties. The nonpartisan primary has been extended to all county offices in California, Minnesota, and North Dakota; and to school offices in Nebraska, Nevada, Ohio, Oregon, South Dakota, Washington, West Virginia, Wisconsin, and Wyoming. It has been extended more widely still to the nomination of judges, whose functions are incompatible with political bias and subservience to party interests. Not only county judges, but judges of the state and district courts as well, are nominated and elected without party designation in sixteen states.¹⁹

county
offices,

judicial
offices,

and legis-
lative
offices

The most striking development of the nonpartisan idea has occurred in Minnesota (1913) and Nebraska (1935). There it has been applied to members of the legislature. A similar arrangement, when referred to the voters, was defeated in California (1915), North Dakota (1924),²⁰ Nebraska (1924).²¹ Governor Johnson of California boldly challenged the principle of partisanship in state government. "There is nothing thus presented to you," he said,²² "that seeks to destroy or even to affect political parties nationally. The government of the state has become now a matter of efficient business

¹⁹ Arizona (1911), California (1911), Idaho (1913), Maryland (1941), Michigan (1939), Minnesota (1912), Montana (1935), Nebraska (1913), Nevada (1923), North Dakota (1917), Ohio (1911), Oregon (1931), South Dakota (1915), Washington (1911), Wisconsin (1911), Wyoming (1915). In three other states the nonpartisan judicial primary has been used and abandoned: Kansas (1913-1914), Iowa (1911-1917), and Pennsylvania (1913-1921).

²⁰ The North Dakota statute applied the nonpartisan principle both to state offices and to the legislature. It was rejected by popular vote in March, 1924.

²¹ The change came in Nebraska with the adoption of a unicameral legislature.

²² Quoted in the *American Political Science Review*, Vol. IX (1915), pp. 314-315.

management, and efficient business management may best be obtained without politics. The one argument most frequently heard against the course we suggest is that parties stand for definite policies and that they are necessary, therefore, to preserve or to adopt some definite governmental tenets, and that for the adoption or failure to adopt these tenets responsibility is fixed upon the party in power. The fallacy of this argument is found within the memories of all of us. In the state government today none holds a political party responsible for any specified act. All hold responsible the individual who is supposed to have caused the act." In connection with this statement it should be observed that California is one of those states in which party lines have been all but obliterated. This fluidity of sentiment or indifference to party labels has marked Californian behavior for several decades. In 1923 Professor West pointed out that nine of the eleven congressmen had received both Republican and Democratic nominations.²³ Since then there has been little change. Normally eight or nine of the delegation of twenty have been backed by two or more parties. Under such circumstances Mr. Lea, formerly chairman of the Democratic caucus, has been elected ten times; and the record of Mr. Englebright, now Republican whip, is not very different.

The nonpartisan primary was devised for the purpose of eliminating partisanship. Whether the purpose is good or not may well be open to question. If the reformers had been honest with themselves, they might have admitted that the logical step was to substitute appointment for election. Administrative officers should be appointed; for, though the masses may be trusted to decide what kind of policy they want, they have no means of appraising technical qualifications. If city and county government is a matter, not of policy, but of business efficiency, of sound administration, as we are so often told, then the governor should appoint, in the French manner, county prefects and, in the manner of Mussolini, *podestas* for the cities. As to the judiciary no country but our own can see any virtue in popular election. The thesis maintained in this book is that only policy-determining officers should be elected and that in their election party is an essential instrument. Democratic institutions cannot function successfully without party. To maintain that party should be eliminated is to impugn the validity of the democratic system itself.

Criticism
of the
system

But a further question arises as to whether the nonpartisan pri-

²³ *Annals of the American Academy* as cited, p. 117.

Has it
driven out
partisanship?

mary has achieved or tends to achieve its purpose. Has it destroyed partisanship? There is no conclusive evidence to show that it has done so anywhere. Twenty years ago Professor Cushman observed, with respect to the Minnesota legislature, that policies and principles were ignored in its election, that effective party discipline had disappeared, and that permanent leadership was lacking.²⁴ But, if anyone assumes that a mechanical device like the nonpartisan primary is responsible for this condition, he is confusing cause with effect. The introduction of the device has been, most obviously in the case of Minnesota and North Dakota, symptomatic of the loosening of party ties. The decline of partisanship in the United States, and particularly in the Western section of the country, may be permanent, involving the whole future of democratic institutions. More probably it marks a transitional phase—a sort of era of good feeling. With the restoration of a robust party spirit, the nonpartisan primary will lend itself readily enough to party interests. The mere name means nothing. English or Canadian elections would not be changed in character if they were styled nonpartisan simply because (as in our own states of Florida and Virginia) no party label of any kind appears upon the ballot. Of course, where there is, as in English elections, only one office to fill, the voter can always identify the candidate of his own party. Here the voter relies on the party name or emblem to carry him through the maze of thirty or forty offices and perhaps a hundred candidates for nomination. Without that emblem his memory fails to guide him beyond the most important offices.²⁵ But the party organization can assist his memory; it can furnish him with a printed slip which, listing all names on the

²⁴ *Annals*, as cited, pp. 92-95. With respect to judges Professor Cushman notes (pp. 87-88) certain advantages of the nonpartisan system. There has been a tendency to renominate and reelect the sitting judges, to relieve judges from political obligations of a definitely partisan character, to interest the bar of the state in endorsing fit candidates, and to unite the more conservative elements of the community, irrespective of party, in defence of judicial independence.

²⁵ "The elimination of party labels from the judicial ballot," says Cushman, (*op. cit.*, p. 88), "makes it increasingly difficult for the voter to make even a mildly intelligent selection of judicial candidates. A party label may be a poor guide, but it is better than none at all. In the first non-partisan judicial elections held in Ohio in 1912, the voter was given a separate judicial ticket devoid of party designations, containing the names of thirty-one candidates from which to select eight men to hold six different grades of judicial office. The writer, attempting to vote in that election, was unable to secure any shred of information respecting the ability, character, or associations of more than one or two of these men."

party ticket, will put an end to his difficulties in the polling booth.²⁶

The reformer's intentions are often belied by the results of his reform. The significance of the nonpartisan primary is quite different from what its originators supposed. By using the term "nonpartisan" they did not create nonpartisanship. So far as the thing already existed—being itself the condition that made the dropping of party labels possible—it continued to exist. But let no one suppose that, if partisanship revives among the people, the parties will fail to nominate candidates and instruct their adherents how to vote. The parties will make their nominations before the so-called nonpartisan primary, according to their own methods and without interference from the state. The primary will, in fact, cease to be a primary. It will become a preliminary election in which the weaker parties will be counted out and in which a final decision (that is, an election) will be reached whenever a candidate receives an absolute majority of the vote. The true significance of the new system seems to be this: it restores to the parties freedom in conducting their own affairs, in determining membership, in nominating candidates. So far as it displaces the regulated party primary it liberates the parties from legal regulation. Such speculations are of little consequence, however. The rapid headway which the principle of nonpartisanship seemed to be making twenty-five years ago did not last and shows no signs of recurrence. For example, of the sixteen states applying the principle to judicial office, ten did so in the years 1911-1915, but only three since 1930. One should also observe that eleven of the sixteen states belong to the Pacific, Mountain, and West Central regions. The fad never made any impression upon the South and the East.

Its real
signifi-
cance

Party nominations are made, according to statutory rules, either by delegate convention or by direct primary. The convention, as already noted in Chapter XIII, has held its own in two states, Connecticut and Rhode Island. These are the "convention states." There are six other states—Alabama, Arkansas, Delaware, Georgia, South Carolina, and Virginia—where the parties may use either method.

Survival of
nominating
conven-
tions

²⁶ In Maryland a voter may take into the polling booth "any written or printed memorandum or paper to assist him in marking or preparing his ballot"; and in Wisconsin he "may use or copy an unofficial sample ballot which may have been marked in advance of his entering the polling place." So, too, in Wyoming. But Montana forbids the practice; and in Texas the voter, being put under oath, must surrender any ballot or paper on which is marked the name of anyone for whom he has promised, or been asked, to vote. Otherwise an official ballot will not be given to him.

Among the remaining forty states—"direct-primary states" we may christen them—the nominating convention has not disappeared altogether. In Iowa the appropriate convention nominates to any office, state or local, for which no candidate has received 35 per cent of the primary vote; and South Dakota follows the same practice for the offices of governor, United States senator, and representative in Congress. In Indiana, Maryland, Michigan, New York, and South Dakota candidates for state-wide offices are made by delegate conventions.²⁷ The delegates are elected at the primary' (except in Iowa and Michigan, where the county conventions elect them), their numbers being proportioned to the size of the party vote in each county or other unit.²⁸ The New York convention is a large body, with more than a thousand delegates and the same number of alternates.²⁹ When the election of a delegate has been certified, he is conclusively entitled to a seat; his right cannot be disputed by the majority in the convention. The law of New York goes into some detail as to the procedure. Thus: "The roll call upon the election of temporary chairman shall not be delayed more than one hour after the time specified in the call for the opening of the convention, provided a majority of the delegates, including alternates sufficient to make up such majority by substitution, are present. The person who calls the convention to order shall exercise no other function than that of calling the official roll of the delegates upon the vote for temporary chairman and declaring the result thereof. . . . When more than one candidate is placed in nomination for an office the roll of the delegates shall be called and each delegate when his name

²⁷ But in Michigan the candidates for governor, lieutenant-governor, and United States senator are nominated at the primary; and in South Dakota the convention nominates a candidate for governor, representative in Congress, or United States senator only in case no one received 35 per cent of the total vote for the office in the primary. The Maryland convention resembles the electoral college that elects the President, since a preference vote binds the delegates from each local area. Of the 149 delegates, 107 represent 23 counties, roughly according to population, and 42 represent the 6 legislative districts of Baltimore (7 from each district). Baltimore, with 47 per cent of the state's population, has only 28 per cent of the delegates.

²⁸ Thus, in New York party rules must follow the requirement "substantially." In Indiana one delegate is elected for each 400 party votes. In South Dakota each county has three delegates, each of whom casts in the convention one-third of the party vote of his county.

²⁹ Between 1913 and 1921 state officers were nominated by direct primary in New York. The Republican convention of 1921 consisted of 1,189 delegates. *New York Times*, July 8, 1921.

is called shall arise in his place and announce his choice." Within seventy-two hours of adjournment the minutes of the convention, certified by the chairman and secretary, shall be filed with the secretary of state.

The reestablishment of the state nominating convention in New York (1921) and South Dakota (1929)³⁰ as well as its survival in Indiana, Maryland, and Michigan, may point the way in other states to a similar compromise between the direct and indirect methods of nomination. This compromise leaves the direct primary undisturbed in the political subdivisions of the state, that is, in the areas within which candidates for nomination can make themselves known to the voters with reasonable ease. On the other hand, it gets rid of the burden and expense of the state-wide primary campaign. It gives some assurance that the nominees for state office will be of like political mind and capable of harmonious coöperation. It recognizes also the advantage of bringing together the party leaders in periodic consultation. This is a point of capital importance. Personal acquaintance and confidential relationships, which the party leaders of Europe possess through membership in the legislature, are essential to the achievement of a common purpose. The state convention brings county politicians into touch with the big men of the party, the commanding personalities. The opportunity for intimate contact comes, of course, not during the formal sessions of the convention, but during the two or three days that precede them. The early arrival of delegates may have other objects than the hatching of dark schemes.

Advantages of state convention

In the two convention states—New Mexico adopted a complete direct-primary system in 1938—^{30a} the law respecting nominations is somewhat rudimentary. The law of Connecticut permits only enrolled party members to vote in the primary and provides for enrolment at the time of registration. The voter may be struck from the party list if, upon a hearing, the registrar and the chairman of the local party committee conclude that he is not in good faith a member of the party and does not intend to support its principles and candidates. Although change of affiliation may be made at any time, no person

Convention states leave parties free

³⁰ Idaho restored the state nominating convention in 1919, but abolished it again and returned to the primary in 1931.

^{30a} Before 1938 the laws of New Mexico made no allusion to primaries for the choice of delegates, or to the nominating conventions (except that the chairman and secretary should, before a specified date, certify to public officials the names of chosen candidates).

may vote in a primary within six months of such a change. The whole subject of caucuses (primary meetings) and conventions occupies only three short paragraphs. The law of Rhode Island, while silent upon the subject of conventions, regulates the caucus or primary in some detail. No two parties may hold caucuses upon the same day. The town clerk or other appropriate official is required to provide a polling place, as well as ballot boxes and other supplies; but the ballots, which must be of white paper and of uniform size, are furnished by the voters themselves or by the candidates for nomination. The polls remain open for periods that vary with the town or city from forty-five minutes to six and a half hours, the period most frequently fixed being two and a half hours. The local party committees may make regulations, not inconsistent with the law, to determine membership in the party; and no one may vote in a caucus "who within twenty-six calendar months has voted or taken part in the caucus of another political party, or has signed nomination papers of a candidate or candidates for any elective office, or has voted in any election for the candidate of any other political party, or for candidates placed in nomination by nomination papers or is debarred from voting or taking part by the regulation of such party." The presiding officers, a caucus moderator or chairman, and a caucus clerk, are appointed by the party committee. These two states have not only preserved the convention, but they have also left to party a greater freedom from legal restraint than it possesses outside the South, except in Delaware.

Primary
conducted
like gen-
eral elec-
tion

While the delegate convention still survives, it has long since been supplanted by the direct primary as the dominant form of party organization for the purpose of nominating candidates. The direct primary is conducted, in most cases, exactly like the general election. So completely has it been assimilated in New York, for example, that primary election and general election are considered simultaneously in the statutory regulations. Thus, Article 8 of the election law, which deals with such subjects as watchers and challengers, ballots and the manner of voting, applies "so far as practicable" to all elections at which official ballots are used. "Subject to the special provisions and exceptions relating to primaries, a primary shall be deemed an election for the purposes of this article." Similarly, in Nebraska: "The provisions of the statutes now in force in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making returns thereof, and all other kindred sub-

jects, except contests, shall apply to all primaries in so far as they are consistent with this article.”³¹ The primary is no longer conducted as the private affair of each party. Its public character is established by the fact that all recognized parties are required to hold their primaries at the same time,³² and at the same polling places,³³ that the presiding officers are those who serve in the general election,³⁴ that the ballots are supplied by public authority,³⁵ and that the expenses are defrayed out of state or county funds. In four states of the Solid South, however, the expenses, as well as the conduct, of the primary fall upon the party: Arkansas, Georgia, South Carolina, and Texas. Except in Arkansas, the law provides that candidates for nomination shall be assessed to meet this expense.³⁶

Primaries at which nominations are made for the general election occur most commonly in August (fourteen states) and September seventeen), but as early as April in Illinois and May in seven states.³⁷ When the primary is held, as it often is, two months or

³¹ *Election Laws*, Article XI. Similarly in North Carolina (C.S. 6020): “Unless otherwise provided in this article, such primary elections shall be conducted, as far as practicable, in all things and in all details in accordance with the general election law of the State, and all the provisions of this chapter and of other laws governing elections not inconsistent with this article shall apply as fully to such primary elections and the acts and things done thereunder as to general elections; and all acts made criminal if committed in connection with a general election shall likewise be criminal, with the same punishment, when committed in a primary election held hereunder.”

³² But in Delaware at different times, and in Georgia at times fixed by the party committees.

³³ But in Georgia, Mississippi, South Carolina, Texas, and Virginia at different places.

³⁴ In Alabama, Arkansas, Delaware, Georgia, Mississippi, South Carolina, Texas, and Virginia they are appointed by the party committees.

³⁵ But not so in six of the eight states listed in the previous footnote—that is, all of them but Mississippi and Virginia.

³⁶ The maximum amount—for state-wide offices—is usually \$100; the minimum, from \$1 to \$5. In South Carolina the amounts are fixed at the discretion of the party committee, but in the aggregate they should not exceed the cost of the primary; so, too, in Texas, except that the fee for state-wide offices is fixed at \$100. Such fees are levied in the other six states of the Solid South, where the expenses of the primary are a public charge. In Virginia the fee amounts to 2 per cent of the salary of the office sought; in North Carolina, to 1 per cent for state-wide offices, half of 1 per cent for legislative and county offices, and otherwise \$1. In Florida the amount must not exceed 2 per cent of the salary.

³⁷ The seven are: Alabama, Florida, Indiana, North Carolina, Oregon, Pennsylvania, South Dakota. Three states hold their primaries in June: Iowa, Maine, and North Dakota. Three hold them in July: Montana, Oklahoma, and

more before the election, the period of the election campaign is unnecessarily prolonged. There is too much campaigning in America. Aside from the burden put upon candidates, who have already made a popular appeal for the nomination, the voter grows indifferent and apathetic; by a sort of protective instinct he closes his ear to the interminable din. The stimulant of campaign oratory, though administered in larger and larger doses as the election draws near, ceases to produce the desired reactions. The truth of these observations will not be disputed by those who have witnessed the short, sharp campaigns in England and France and observed the contrast. In England nominations are made eight days after the dissolution of Parliament; and the election occurs nine days later. So short a period would, of course, be inadequate in the case of our presidential election; the vast extent of the country must be taken into consideration. But three weeks or a month would give more than enough time for an effective state campaign.

Party
defined

Irrespective of demonstrated voting strength, all parties are required in three states³⁸ and permitted in three others³⁹ to nominate candidates by means of the regulated direct primary. Elsewhere the law limits the application of the direct primary to parties that have polled, for governor or other specified officers, a certain number of votes or a certain percentage of the aggregate vote in the last election. In New York the number is 50,000; in Texas, 100,000; but in Texas any other party that polls more than 10,000 votes may nominate by convention or direct primary as the party committee determines. The percentage varies from 1 in Maine, Michigan, and Wisconsin to 15 in New Mexico, 20 in Alabama, Kentucky, and Oregon; 25 in Virginia.⁴⁰ Twelve states fix it at 10;⁴⁰ nine, at 5;⁴¹ six, at 3;⁴²

Texas. In Delaware the party committees fix the dates. Connecticut and Rhode Island nominate by conventions.

³⁸ Kansas, Mississippi, Nebraska.

³⁹ Arkansas, Georgia, South Carolina.

⁴⁰ Florida requires an enrolment equal to 5 per cent of the total registration.

^{40a} Colorado, Delaware, Idaho, Indiana, Maryland, New Jersey, Ohio, South Dakota, Tennessee, Washington, West Virginia, Wyoming.

⁴¹ Arizona, Illinois, Louisiana, Minnesota, Nebraska, Nevada, North Dakota, Oklahoma, Vermont. But the Oklahoma law is unique in recognizing for the purposes of the primary any political organization which in three other states polled 10 per cent of the vote. A party ceases to be a party when it fails to receive, at two successive elections, 10 per cent of the vote polled by the strongest party.

⁴² California, Massachusetts, Missouri, Montana, New Hampshire, North Carolina.

and three, at 2.⁴³ As a general rule a party is recognized only when its state-wide vote reaches the required size; but under the law of nine states the vote in any smaller area (such as a county) may entitle to official recognition there a party that has no standing in the state as a whole. Less frequently it is provided that, when a party cannot otherwise qualify under the primary law,—either because it has been formed recently or because its vote in the last election fell below the specified figure,—it may obtain recognition and the right to participate in the primary by presenting a signed petition. In some cases (Nevada) the petition must bear a number of signatures corresponding to the percentage of the total vote which ordinarily confers party status. In Arizona less rigorous conditions are imposed. There, while a party is defined as an organization polling 5 per cent of the total vote, only 2 per cent of the vote cast for governor in each of five counties is required for the petition of a new party.⁴⁴ Provisions like these are exceptional, however. In most of the states a party that has not obtained the qualifying vote in the last election can nominate candidates only by filing nomination papers, as all independent candidates are required to do.⁴⁵

The party primaries are held simultaneously and at the same polling places;⁴⁶ but, except in four open-primary states, each party has a separate ballot. In form it may be identical with the other party ballots, or it may be distinguished by a particular color, the Republican ballot being white, perhaps, and the Democratic blue. The ballot is of the Australian type, printed and distributed in the same manner

Primary
ballot

⁴³ Iowa, Pennsylvania, Utah.

⁴⁴ Three per cent is required for recognition as a party in a county or city, but not in the state as a whole. The law of Nebraska provides that any new party, if established by a mass convention of 750 for the state (150 for counties; 35 for wards), shall be entitled to a ballot in the next primary election.

⁴⁵ But, as already shown in the case of Texas, the practice is not universally followed. In Indiana a party polling less than 10 per cent of the vote, but not less than one-half of 1 per cent must nominate its candidates by convention. Only when the vote has fallen below one-half of 1 per cent must the party resort to petitions. In Washington "any political party which at the last preceding election cast less than 10 per cent of the votes may nominate candidates in the manner provided by existing laws for conventions," but "all such conventions must be held upon the same day as the primary elections are held." In Wisconsin a political organization may participate in the primary if it submits a petition signed by one-sixth of the voters in ten counties for state-wide recognition or in a congressional or other district for local recognition.

⁴⁶ The deviations from this practice have already been noticed.

Methods
of getting
names on
ballot

as at the general election⁴⁷ and marked by the voter secretly in the polling booth. The names of all candidates for nomination appear upon it, although other names may be "written in." Broadly speaking, there are two methods by which an aspirant can secure a place on the primary ballot: either by presenting a petition signed by a required number of voters or by announcing his candidacy and paying a fee.⁴⁸ In half a dozen states he may choose between these two methods.⁴⁹ Elsewhere one of the two is prescribed. By law or party rule the second method prevails in the Solid South and Border, and it has been adopted in some other states, chiefly Western. It has the great advantage of simplicity. If the fee were fixed at a substantial sum, like the £150 deposit for parliamentary elections in Great Britain, frivolous candidates would be discouraged. In fact, the fee seldom rises above \$100 or 1 per cent of the annual salary for state-wide offices.⁵⁰ As a means of reducing the number of candidates in the primary the system of fees was adopted for Detroit in 1935, but abandoned six years later. Even for county and municipal offices the size of the fees—\$50 or \$100 according to the salary of the office—seems a bit small to serve as an effective de-

⁴⁷ But each party provides its own ballots in Alabama, Arkansas, Delaware, Georgia, Mississippi, South Carolina, and Texas.

⁴⁸ Delaware, Indiana, Oklahoma, and West Virginia do not exact a fee. Conversely, several states which use the petition method also require the payment of a fee.

⁴⁹ Thus, in Kansas the declaration must be accompanied by a fee of 1 per cent of the salary for state-wide offices, Congress, county offices where the salary exceeds \$1,000, and the office of mayor in cities of the first and second class; of \$5 for other county offices; \$10 for the state senate, etc. The petition must bear signatures equal in number to 1 per cent of the party vote for the office in each of ten counties and equal to not less than 1 or more than 10 per cent in the state as a whole for a state-wide office; 2 per cent in one-fourth of the precincts of half the counties and not less than 2 or more than 10 in the district for a district office; and 3 per cent in one-fourth of the precincts and not less than 3 or more than 10 per cent in the county for county office. In New Hampshire the fee varies from \$2 for state assembly to \$100 for United States Senate. The petitions bear 200 signatures for the office of governor or U.S. senator, 20 signatures for county office, 15 for state senate, five for state assembly.

⁵⁰ Maryland. state office, \$270; Congress, \$100. Nevada: United States Senate, \$250; office of congressman or governor, \$150; state office, \$100; etc. The fee in Virginia and Florida shall not be over 2 per cent of the annual salary; in New Mexico, 3 per cent. In South Carolina the party committee fixes the fee at sums which will defray the cost of the primary.

terrent.⁵¹ Anyone who polled half as many votes as his successful competitor like him got his fee back again.

For a petition the number of signatures required is in Colorado 300 for state and district office, 100 for county and other offices; in Massachusetts 1,000 for state office (but not more than 250 from any one county), five from each ward or town (but not over 250) for other offices; in Pennsylvania 100 from each of ten counties for the United States Senate, 100 from each of five counties for state office, 200 for Congress or the state senate, 100 for county office or state assembly, five for inspector of election. Usually the required number of signatures is expressed in percentage: in Maine 1 per cent of the party vote for the office; in Oregon 2 per cent; ⁵² in North Dakota 3 per cent (and 5 per cent for county and legislative office). It is possible, as the law of Maine shows, to lay down a uniform percentage for all offices and do so with great brevity. But a passion for meticulous refinements has spread from Wisconsin to other states and, without improving the situation in any way, made the legal provisions ludicrously and needlessly complicated. The percentage increases arbitrarily as the size of the area diminishes; and this is done, it would seem, just to make the task of signature-mongering as onerous for a county office as for a state office. The signatures must be distributed among a certain number of precincts. There must be a maximum as well as a minimum number of signatures, or else some enterprising aspirant will block possible competitors by taking advantage of the legal prohibition against signing more than one petition for the same office. Voters often sign a petition without examining it and out of mere good nature. Having signed one, they are not permitted to sign another. By securing a very large number of signatures it would be possible to exhaust the reservoir of party voters and put an insurmountable barrier in the way of later arrivals. The law of Kansas affords an example of safeguards and of wearisome elaboration. "Such nomination papers shall be signed: (a) If for a state office . . . by at least 1 per cent of the party voters in at least ten counties in the state, and in the aggre-

⁵¹ See H. M. Dorr, "Tightening the Direct Primary in Michigan," *American Political Science Review*, Vol. XXXI (1937), pp. 56-65.

⁵² But not over 1,000 for the state or congressional district or over 500 for other areas. The signatures must come from at least one fifth of the precincts in the county for county office and from at least one tenth of the precincts in the state for state office.

gate not less than one per cent nor more than ten per cent of the total vote of his party in the state, or by at least one per cent of the total vote of his party in each of twenty counties. (b) If for a district office, or for member of congress from a district less than the state, by at least two per cent of the voters of the party designated in at least one fourth of the election precincts [*sic*] in each of at least one half of the counties of the district, and in the aggregate not less than two per cent nor more than ten per cent of the total vote of the party designated in such district. (c) If for a subdistrict office or a county office, by at least three per cent of the party vote in at least one fourth of the election precincts of such subdivision or county, and in the aggregate not less than three per cent nor more than ten per cent of the total vote of the party designated in such subdistrict or county." So the law proceeds. This quotation stops just halfway through the subject.

Needless
burden of
signatures

We have become so accustomed to this sort of absurdity that we never think of challenging it. We take all this needless elaboration as a matter of course. If we must have hundreds or thousands of signatures (many of them fictitious), there is nothing good to be said for the variation in percentages and the distribution among one-fourth of the precincts in half the counties! As a matter of fact, we do not need them. Tennessee gets on well enough with a uniform requirement of twenty-five signatures. This will be disputed; it will be said that the universal longing for public office would flood the primaries with aspirants. What, then? If we filled only one office on election day, instead of twenty or more offices, it would make little difference whether two candidates were running, or two hundred. During the campaign the voter would find out what man he preferred, even if he did not know it before the campaign began. A man of character and sagacity will stand out among his rivals, all the more because of the backing he receives from eminent citizens. We do not suffer from having too many aspirants to any one office, but from having too many elective offices. It is strange that we refuse to profit from the experience of other countries, adhere to our unique long ballot, and imagine that our troubles would end if fewer men sought nomination. It is also strange that we surround the primary with a wire-entanglement of signatures instead of requiring a fairly large deposit and returning it to those who poll a considerable vote. The experiment in Detroit and Wayne county, Michigan, was abandoned after a trial of six years.

Of course, when numerous candidates enter the field for a par-

Pre-
primary
designating
conven-
tions:

(1) Minne-
sota

(2) Massa-
chusetts

(3) Col-
orado

ticular nomination, the votes may be so scattered that no one receives more than 30 or 40 per cent of them. Yet democratic government is supposed to mean government by the majority. Ways of escape from minority nominations will be discussed in the next chapter. Mention has already been made of the practice in Iowa and South Dakota, where a convention nominates if the leading aspirant in the primary did not poll 35 per cent of the vote for a particular office.⁵³ But the convention may be used more profitably *before* the primary as a means of concentrating the votes and affording guidance to the voters. In 1921 Minnesota provided for state and local preprimary conventions. These were to be elected, under party rules, at a primary in March and to endorse one candidate for each office, the fact of such endorsement appearing on the ballot after the candidate's name. The conventions did not "nominate" anyone. They endorsed or designated a slate or ticket on behalf of the official organization of the party. The statute was repealed in 1923. Ten years afterwards a similar plan was adopted by Massachusetts—in this case, however, confined to state-wide offices.⁵⁴ The convention met at the call of the state committee of each party, not later than June 15 every second year; and the delegates were elected at a "party primary," one at least from each ward and one in addition for every 1,500 party voters. On the primary ballot the endorsed candidates (labelled as such) had first place under the titles of their respective offices. Besides endorsing for nomination a candidate for each state-wide office, the convention adopted a platform and performed other duties. But, after a short trial, it was abolished in 1937.⁵⁵ The plan of preprimary conventions has not been quite abandoned.⁵⁶ For a good many years Colorado has had a system of state and local preprimary conventions, officially styled

⁵³ The practice extends to all offices in Iowa, but is confined to the offices of governor, United States senator, and congressman in South Dakota.

⁵⁴ The law was enacted by popular initiative in 1932. The vote was 553,822 to 262,948. A two-to-one vote might suggest marked approval on the part of the electorate. As a matter of fact, almost half of the actual voters (792,778) did not take the trouble to express their opinion of the proposal. Louise Overacker, "Direct Primary Legislation in 1932-1933," *American Political Science Review*, Vol. XXVIII (1934), pp. 265-267.

⁵⁵ Of course, without legal sanction, party leaders often agree upon a slate before the primary and afterwards get their candidates nominated without much difficulty. This occurs in states where the party is well organized.

⁵⁶ In 1935 proposals for preprimary conventions were defeated in Kansas, Maine, and Ohio. Louise Overacker, "Direct Primary Legislation in 1934-1935," *American Political Science Review*, Vol. XXX (1936), p. 284.

"assemblies" and elected under party rules. An assembly does not, as was done in Massachusetts formerly, draw up a slate, endorsing only one name for each office. It "shall take only one ballot upon candidates for each office to be filled at the ensuing election and within the jurisdiction of such assembly. Every such candidate receiving twenty per cent ⁵⁷ or more of the votes of the truly accredited delegates to such assembly for any office to be voted upon at such ensuing election shall be certified as heretofore provided, and shall be placed upon the direct primary ballot as a candidate for such office before the ensuing primary election. All candidates designated and certified by assembly for a particular office shall be placed upon the direct primary ballot in the order of the vote received by each such candidate." ⁵⁸

Advantages of such conventions

The system of preprimary designating conventions, especially of the untried Minnesota type, possesses demonstrable advantages. It should appeal to those who believe in party organization and party responsibility. The experience of any organized group—of a labor union or a club or a church—seems to show that there must be a preliminary canvass of the situation in advance of an election and that, if a nominating committee is not appointed for that purpose, secret caucuses will be held. Wherever a strong party organization exists, the leaders confer before the primary and agree upon a slate. Secret though the conclave may be, the word is passed among the precinct captains; the faithful adherents of the machine, massing their votes, usually prevail over a scattered opposition in the primary. Sometimes an extralegal party convention is elected to designate candidates, who are subsequently placed upon the ballot by petition. Secretly or openly a powerful organization will seek to

⁵⁷ Before 1927 the percentage was ten.

⁵⁸ Under the very elaborate and eccentric Richards law, which was repealed in 1929, South Dakota had a system of preprimary "proposal conventions." In November of each odd-numbered year the party voters in each precinct elected three "proposalmen" as delegates to the county convention. The county conventions each sent three proposalmen to the state convention. The vote of each delegate was proportioned to the party vote in the area which he represented. County and state conventions designated candidates for nomination at the March primary—in fact, two sets of candidates, one emanating from the majority and the other from some group of dissenting proposalmen. Here again, although no label of any kind was attached to the convention slates, the voters could distinguish them from each other by the fact that the majority slate appeared in the last column on the ballot, the minority slate in the adjoining column; and he could distinguish them both from the petition candidates, who were entitled to first place on the ballot.

control the primaries. Such being the case, it would seem the part of wisdom to recognize the practice, give it legal warrant, and on the ballot distinguish the organization candidates by an appropriate device. There would then be a clear-cut issue between the organization and its opponents, just as there is on election day a clear-cut issue between the various parties, identified by emblem and name. The difference between the general election and the primary election is that in the one case the voter has the party label to guide him and in the other only his acquaintance with the multitude of candidates. In the latter case, decision, as to the minor offices at least, might as well be left to lot, as in ancient Athens; for the voter is incompetent to make any intelligent choice when he is asked to say who is the best man to fill each of twenty or thirty offices. Such is the real situation; and the sophistry of lip-service democrats should not be allowed to obscure it.

The system of preprimary conventions has its weak points, however. It throws an additional burden on the electorate, since a primary must be held for the election of delegates. Moreover, the lack of popular interest in the choice of delegates, always apparent and in this case emphasized by the fact that the convention can only propose candidates for nomination at the primary, opens the way to serious abuses. Charles Evans Hughes, while governor of New York in 1910, advocated a somewhat different plan, which he restated ten years later in his presidential address before the National Municipal League.⁵⁹ He would entrust the party committees, directly elected by the party voters, with the duty of recommending candidates for nomination. "If such a body did its duty well," he said,⁶⁰ "there would be no necessity for a double campaign. Its choice would be ratified on primary day without contest. The difficulty of giving opposing candidates no opportunity to have their merits discussed except in a primary contest would normally be removed, and the bitterness engendered in such contests would generally be avoided through a full consideration of the qualifications of candidates and the decision of the party representatives. The action of such a body should not be final. If it ignored the sentiment of the party voters, if it appeared that some ulterior or sinister purpose had been served, if the candidates, or any of them, which it selected were unworthy, then there should be opportunity for the party members, imme-

Disadvantages

⁵⁹ "The Fate of the Direct Primary," *National Municipal Review*, Vol. X (1921), pp. 23-31.

⁶⁰ *Ibid.*, p. 29.

diately and without difficulty, to express themselves in opposition and on primary day to have a chance to show whether or not the designation of the organization body was approved."

The "Hughes plan" resembles the plan of the preprimary convention in the fact that the committees must, apparently, be elected shortly before the date of the regular primaries. The evil of an added election is common to both plans. Nor can it be assumed that the committee slate would go unchallenged, that no contest would occur at the primary; there would always be disgruntled minorities. Perhaps this difficulty might be met by abolishing the mandatory direct primary and substituting, only when some large proportion of the party voters presented a signed petition, an election for the recall of the committee and for the direct nomination of candidates. Under any circumstances, however, the committee would be a better designating body than the convention; for, with this additional function entrusted to it, the personnel of the committee would become a matter of concern to the members of the party.

Plan
followed
by Social-
ist party

The Socialist party always selects its candidates in advance of the primary, not by means of a preprimary convention, but by means of a referendum vote. Wherever that party, because of the size of its vote, is recognized by law (only four states, 1941) and required to nominate its candidate in the direct primary, it possesses a dual personality. Under the rules of the party, membership is confined to those who subscribe to a rigorous pledge and pay monthly dues; under the law, membership is usually determined either by enrolment at the time of registration or by declaration at the primary. The legal members, many of them Socialists only in name, are much more numerous than the dues-paying members. Again, under party rules all state and local nominations are made by means of a referendum confined to the dues-paying members; under law such nominations have no standing. What actually happens is that the candidates nominated according to party rules have their names placed on the official primary ballot by petition and receive the whole Socialist vote. No competing candidates will be designated unless by non-Socialists who have satisfied the legal requirements for membership in the party.

Candidates for nomination in the primary must be voters, but not in all cases party voters. Indeed, about half the states permit a member of one party to run in the primary of another party.⁶¹ This per-

⁶¹ This practice provoked the following comment in the *New York Times* (May 29, 1923): "Direct primaries are often remarkably hospitable. They are al-

mission, usually tacit, is expressly conferred by the law of California; but there a candidate losing the nomination of his own party can accept no other nomination that he may have won. In Idaho, Michigan, Montana, Vermont, and Wisconsin a person nominated by two or more parties can accept only one nomination. The requirement that anyone seeking a party nomination shall be a member of that party usually appears in the language of the petition or declaration to which the candidates subscribe. It may go beyond the question of existing affiliation. In Florida the candidate must swear that he did not vote for the nominee of any other party at the last election, almost two years ago. In ten or more states—which include California, Colorado, and Kentucky—a person who has been defeated in the primary cannot afterwards be nominated by petition as an independent candidate. The Socialist party, it may be appropriate to observe here, prohibits any fusion or combination with the Democrats or the Republicans and any endorsement of candidates nominated by either of them.⁶² But “state organizations of the party may co-operate with organizations of labor and farmers

most open to all comers, especially in some Western states, but the noblest comprehensive notion of the all-enfolding arms of these infallible means to register the party's will comes from Mr. Borah's state. The Idaho Statesman quotes from an Idaho progressive journal this definition of a Republican: ‘Any man who can carry a Republican primary is a Republican. He might believe in free trade, in unconditional membership in the League of Nations, in State's rights and in every policy that the Democratic party ever advocated; yet, if he carried his Republican primary, he would be a Republican. He might go to the other extreme and believe in the communistic state, in the dictatorship of the proletariat, in the abolition of private property and in the extermination of the bourgeoisie; yet, if he carried his Republican primary, he would still be a Republican.’ Of course, this applies equally to a Democratic primary. Anybody who carries it is thereby marked as a true Democrat. Democrats go into Republican primaries; Republicans into Democratic primaries. In Wisconsin Mr. La Follette has the co-operation of the Socialists and of divers associations and leagues whenever he needs them in his business. The greatest intellectualist in Michigan, Republican in his antecedents, carried the Democratic senatorial primaries with a whoop. . . . How much of the present confusion, vagueness, disgruntlement and division of parties is due to the direct primary? If anybody who can carry Republican primaries is a Republican, anybody who can carry Democratic primaries a Democrat, what is the use of being a Republican or a Democrat? The names mean nothing. In the place of representative party government is a shifting hodge-podge of personalities and policies. That such a system or want of it should breed cranks and come-outers is inevitable.”

⁶² “Or any other political party whose policies and platform are inconsistent with those of the Socialist party.” *Socialist Handbook* (1937), Article X, section 8, of the constitution (1940).

within their state in independent political action" under certain circumstances.⁶³ No one may be a candidate on the Socialist ticket who has not been a member of the party for two years—a member, that is, not according to the formal requirements of the primary law, but according to the stringent rules of the party. Of course, in any case of conflict between the law and the party rules, the latter must give way; but seldom have the Socialists developed enough strength in any state to receive legal recognition as a party and be brought under the limitations of the primary law.

Order of
names on
the ballot

A considerable importance attaches to the order in which the candidates' names appear on the primary ballot. The simplest arrangement is the alphabetical, which now prevails in eleven states.⁶⁴ To this arrangement there is, however, a practical objection. The average voter, who takes the party label as his guide in the general election, finds himself completely at a loss when he surveys the primary ballot and reads under each of twenty or thirty office-titles nothing but a long list of unknown names. Thrown on his own resources, he can make, perhaps, an intelligent choice for the office of governor, or even of attorney-general and state senator; but for all the minor offices, voting at random and haphazard, he tends to select the name that stands at the top of each list. This fact is so well-established that some twenty states require the names to be rotated in such a way that each one appears first an equal number of times or in an equal number of precincts or counties. Thus, according to the Ohio law, the first series of ballots is printed in alphabetical order; "then the first name shall be placed last and the next series printed, and so shall the process be repeated until each name shall have been first. The ballots shall then be combined in tablets by selecting one from each series of ballots in regular order, and so repeating, so that no two of the same order of names shall be together, except when there is but one candidate for any such nomination." A Nebraska law provides that "in printing the tickets for the various election districts the positions of the names shall be changed in each office division for each election district." In seven states the

⁶³ *Ibid.*, Article X, section 9, of the constitution. The party condemns the People's Front, urged by Communists since 1935, as resembling the coalitionism of the past and depending upon alliance with capitalists. It does advocate what it calls a "united front" with trade and industrial unions and the formation of a "genuine" farmer-labor party. *Ibid.*, pp. 27, 30, and 36.

⁶⁴ Alabama, Florida, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nevada, Tennessee, Utah, and Vermont.

order is determined by lot.⁶⁵ That the matter should assume such importance, or indeed any importance at all, shows that there is something very wrong with our electoral methods. There is plenty of food for reflection in the remark which Professor F. E. Horack makes with respect to the Iowa primaries: ⁶⁶ "It is now said that candidates for nomination, knowing in advance the counties in which their names will be at the head of the list, devote their campaign energies to other counties, feeling assured that wherever their names are first they will win without effort."

⁶⁵ Arkansas, Kentucky, New Jersey, New York, Pennsylvania, South Dakota, and Texas. But in Kentucky, rotation is used for state-wide offices; and in New York, unless some candidate invokes the lot, the order is determined by the official who prepares the ballot. It may be noted here that in California (rotation) and Massachusetts (alphabetical order) there is one exception to the general rule: first place is always accorded to a candidate who is the incumbent of the office. No provision is made in the laws of Colorado, Delaware, Georgia, South Carolina, Virginia, and Wyoming.

⁶⁶ "The Workings of the Direct Primary in Iowa," *Annals of the American Academy*, Vol. CVI (1923), p. 151.

Chapter XIX

PROBLEMS AND STATUS OF THE PRIMARY

Right to vote in primary

The right to vote in the direct primary is almost everywhere regulated by law.¹ This is a matter of fundamental concern to the party; for those who choose its committees and nominate its candidates may be presumed to shape its whole destiny; the controlling decisions are taken by the party members. It thus appears that the state, in asserting the power to fix the conditions of membership, has become charged with a grave responsibility. How perplexed the lawmaker has been in the face of this responsibility is shown by the frequent changes in practice and by the diversity of existing requirements. No solution has met with general favor. The tests of party affiliation are sometimes exacting, sometimes negligible; in some cases they have even been abandoned altogether. When a test of any kind exists, the primary is known as a "closed" primary; when no test (other than registration as a voter for the general election) exists, it is known as an "open" primary. The distinction may seem more technical than substantial; in some cases the tests are of such little consequence that they interpose no obstacle to the voter's changing his party at will and on the very day of the primary. But there always remains this difference: in the closed primary party affiliation is stated in public; in the open primary the voter chooses his party ballot in the privacy of the polling booth. What importance should be attached to secret voting? Certainly, when the Australian ballot was adopted, great emphasis was laid upon the fact that the voter could no longer be intimidated or

¹ Delaware leaves the matter entirely in the hands of the parties, the qualifications to vote in a primary being such as the political party "may prescribe and publish." Throughout the Solid South, except for North Carolina, the party may lay down additional qualifications. Thus, according to the Florida law, "the state executive committee of each political party may by resolution declare the terms on which legal electors shall be declared and taken as proper members of such party, and therefore entitled to vote in the primary. . . . It shall be the duty of the supervisors of registration of the various counties in the registration of electors to comply with the terms of any such resolution upon the filing with them of copies thereof."

bribed, because there was no means of finding out what party he supported. Perhaps to-day, under certain circumstances, he would find it hazardous to proclaim himself openly a member of the Communist party. On the other hand, the party organization should not be left defenceless against capture by its enemies; moreover, even when affiliation with a particular party is disclosed, the selection of the party's candidates takes place behind the curtain of the polling booth.

Eight states use the open primary: Idaho, Michigan, Minnesota, Montana, North Dakota, Utah, Washington, and Wisconsin.² Their methods differ. In Wisconsin the voter receives the ballots of all parties, which are uniform in size, color, and texture and fastened together by a clip. He marks the one of his choice and then detaches it from the remaining tickets and folds it so that "its face will be concealed and the printed indorsements and signatures of initials thereon seen. The remaining tickets attached together shall be folded in like manner by the elector, who shall thereupon, without leaving the polling place, vote the marked ballot forthwith and deposit the remaining tickets in the separate ballot box to be marked and designated as the blank ballot box. Immediately after the canvass, the inspectors shall, without examination, destroy the tickets deposited in the blank ballot box." With minor variations Michigan (1937), Montana, and Utah (1937) follow the same plan.³ Open
primary:
no test

The other four states have adopted blanket ballots. In Idaho (1937), Minnesota (1933), and North Dakota (1939) each party has a separate column on the ballot.⁴ The voter puts a cross in the circle at the top of one party column and a cross in the square opposite the names of the candidates for whom he wishes to vote. If he votes for a candidate in any other column, "the vote for that office is void" in Idaho, and "the ballot will be rejected" in Minnesota. Utah does not belong to this group: the party lists appear on one

² Six other states abandoned it: Arizona, Colorado, Massachusetts, Missouri, Nebraska, and Vermont. In California and Oregon it was declared unconstitutional.

³ Before adopting the open primary in 1937 both Michigan and Idaho had the same type of closed primary. The voter merely asked for the ballot of a particular party; and his right to receive it could not be challenged. The party was then as lacking in protection as it is now. The difference in the two methods is found in the fact that the voter no longer makes his party affiliation known.

⁴ California, Massachusetts, and Nebraska—which now have closed primaries—did, at some time in the past, adopt open-primary laws of this type.

blanket ballot, but perforations permit the voter to detach the list of his choice, very much as the Wisconsin voter detaches it from the clip. On the other hand, Washington (1935) encourages the practice of "raiding." There are no party columns. Under the title of each office appear the names of all candidates and their respective party affiliations. The voter has complete freedom; he is not restricted to any one party. "The purpose of this act shall be construed so as to allow all properly registered voters to vote for their choice at any primary election, for any candidate for such office, regardless of political affiliation and without a declaration of political faith or adherence on the part of the voter." This peculiar system facilitates "raiding" and, from that standpoint, greatly excels the arrangement in Minnesota, which was designed for that very purpose by the Farmer-Labor party.⁵ In Washington the raiders can limit their invasion to a single office, help to nominate for it a vulnerable candidate, and at the same time retain an influence over all other nominations within their own party. At first glance such a system seems to break down the last vestiges of self-determination for parties. Perhaps, however, it introduces an opposite tendency. Perhaps it tends, like the nonpartisan system, to convert the primary from its original rôle as a conflict within each party into a preliminary conflict between the parties, a preliminary election resembling the French *ballottage*. If the primary should at last assume such a character, our position would be much improved; the parties, operating outside the law as voluntary associations, would then put forward organization slates for the preliminary election, even though it still went by the name of primary.

Its alleged
merits

The open primary is not without virtue. It preserves the secrecy which, at the time of the introduction of the Australian ballot, was regarded as such a wholesome corrective to bribery and intimidation. It also permits free movement from one party to another in accordance with change of opinion. The same freedom obtains under some forms of the closed primary, but with the sacrifice of secrecy; and there seems to be no justification for imposing a test that does no more than reveal the voter's party affiliation. In spite of its obvious advantages, however, the open primary has been condemned on the whole because it leaves the party unprotected, exposes it to invasion. Twenty years ago Chester H. Rowell used the

⁵ Minnesota dispatch in the *New York Times*, June 25, 1938.

experience of Wisconsin to illustrate this point.⁶ He observed that "nearly all the votes are cast in the Republican primary, where the principal contests are. Other nominations, if made, are perfunctory. The Radical and Conservative blocs fight it out in the Republican primary, with Democratic and Socialist votes as weapons, and whoever wins the nomination thereby acquires the sacred aegis of Republican 'regularity.' Actually, of course, it means that Wisconsin has abolished parties by the very law which makes all offices partisan." President A. B. Hall, writing at approximately the same time, made the fact of invasion plain by comparing the vote in primary elections and general elections.⁷ He showed that there were, in 1918, 125,145 votes cast in the Republican primary and 28,340 in the Democratic primary, while in the general election the Republican vote was 155,789 and the Democratic 112,576; that in 1920 the Republican primary vote was 368,263 and the Democratic 22,435, while in the general election the Republican vote was 366,247 and the Democratic 247,746; and that in 1922 the Republican primary vote was 500,620 and the Democratic 19,108, while in the general election the Republican vote was 367,929 and the Democratic 51,061.

The closed primary assumes a variety of forms. From the standpoint of the protection afforded to the party—the stringency of the membership tests—there is the widest divergence. In Vermont, on the one hand, the presiding officers cannot question in any way the right of a qualified voter to receive whichever party ballot he may choose; on the other hand, in ten states each party is free to formulate rules for admission to its primary.⁸ According to the law of Alabama, persons who vote in a primary must meet any tests that the governing body of his party imposes and also subscribe to the following statement: "By casting this ballot I do pledge myself to abide by the result of this primary election and to aid and support all the nominees thereof in the ensuing general election." In Virginia "all persons qualified to vote at the election for which the primary is held, and not disqualified by reasons of other requirements in the law of the party to which he [*sic*] belongs, may vote at

Closed primary:
(1) tests applied by parties in ten states

⁶ "Why the Middle West Went Radical," *World's Work*, June, 1923, pp. 157 *et seq.*

⁷ *Annals of the American Academy*, Vol. CVI (1923), p. 51. For more recent data see Clarence M. Berdahl, "Party Membership in the United States," *American Political Science Review*, Vol. XXXVI (1942), pp. 16-50.

⁸ The ten are: Delaware, and all but North Carolina in the Solid South.

the primary," unless he refuses to swear, when challenged, that he voted for the nominees of such party when he last took part in an election or—being a first voter—that he will support the nominees in the ensuing election. This form of closed primary must recommend itself to everyone who believes in government by party. If a party cannot lay down the conditions of membership, how can it protect itself from being flooded by invasion and given a new character? If they become important enough to be worth capturing, the Prohibition party might be made the advocate of lower taxes on whiskey, and the Communist party the advocate of a return to nineteenth-century *laissez-faire*. This suggestion is not fanciful: when Townley's Nonpartisan League stole and transformed the Republican party in North Dakota, he was doing what others have done elsewhere, before and since. The right of the organization to protect itself lingers on, however, mainly in the Solid South, where the preservation of white ascendancy through a lily-white Democratic party seems to require it. The Negro problem has been discussed in Chapter III.

(2) chal-
lenge sys-
tem

Aside from the ten states just noticed, the closed primary leaves each voter free to make his own choice of party. But the method by which he is permitted to make that choice varies. It is customary to speak of the "challenge system" and the "enrolment system." Under the challenge system—which prevails in seven states and in those areas of Kentucky and Nebraska where personal registration is not required⁹—the voter asks for the ballot of a particular party. Before handing it to him the presiding officer may require him to swear: in Ohio, that he voted for a majority of the party's candidates in the last election; in Missouri and Oklahoma, that he intends to vote for its nominees; and in Indiana, both these things. Illinois is more exacting. There the voter must swear that he has not signed a petition for an independent candidate or for a candidate in the primary of another party or participated in such a primary during the past twenty-three months. Before 1939 the period was two years, which often included the last primary (this depending upon the date of the second Tuesday in April). The voter could change his party affiliation only by absenting himself from a primary; otherwise his membership would be permanent. In view of the excessive political fluidity in America and the calculated practice of raiding hostile ter-

⁹ The seven states are: Illinois, Indiana, Missouri, Ohio, Oklahoma, Tennessee, Vermont. Ten years ago the challenge system was also employed in Kansas, Michigan, Minnesota, North Dakota, Washington, and West Virginia.

ritory in order to secure the nomination or defeat of an aspirant and thus gain partisan advantage, the setting up of such an obstacle seems well advised. Yet a mere oath, which cannot be checked by an appeal to written records, will not restrain unscrupulous men and circumvent their corrupt purposes.¹⁰ In Vermont no oath of any sort is exacted. There the "closed" system differs from the "open" system solely in the fact, which may be important to the voter, that his choice of a ticket must be made in public.

The enrolment system prevails in nineteen states and in the personal-registration areas of Kentucky and Nebraska. These states are: Arizona, California, Colorado, Iowa, Kansas, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, South Dakota, West Virginia, and Wyoming. There are two methods of enrolment. In California, "at the time of registering and of transferring registration, each elector may declare the name of the political party with which he intends to affiliate at the ensuing primary election or elections. The name of that political party shall be stated in the affidavit of registration and the index. If the elector declines to state his political affiliation, that fact shall likewise be stated. No person shall be entitled to vote the ballot of any political party at any primary election unless he has stated the name of the party with which he intends to affiliate at the time of registration."¹¹ In Wyoming, however, enrolment takes place, not at the time of registration, but at the primary. Any voter who has not already enrolled is entitled to receive the party ballot of his choice. "The voter's election shall constitute his declaration of party affiliation, and it shall be the duty of the primary election board to record his name and check his declaration of party affiliation in the poll

(3) enrolment system

¹⁰ In New Jersey—which operates under the enrolment system, however—a two-year period has been set up and a check supplied by the poll book: "A voter who votes in the primary election of a political party shall be deemed to be a member of that party until two subsequent annual primary elections have elapsed after casting of such primary vote. A voter who has not voted in a primary election of a political party for two subsequent annual primary elections shall not be permitted to vote in any primary election of a political party until he has first signed and filed with the district board an affidavit." In the affidavit he declares that he is a member of the party and of no other party and that he intends to vote for its nominees in the next ensuing election.

¹¹ In some states registration, and therefore party enrolment, proceeds continuously except during the month or so that precedes a primary or election. In most states it takes place at fixed and limited times. See Chapter XXVI.

books used by the clerks of the primary election board. . . . Copies of the names and party entries on such lists, together with the changes of party affiliation as hereafter provided, arranged alphabetically by surnames, shall be used at subsequent primaries for determining with what party the voter has enrolled, and no voter, enrolled under the provisions of this article, shall be allowed to receive the ballot of any political party except that with which he is enrolled, and he may change his enrollment as hereafter provided." Of the twenty states eleven follow the first method (enrolment at the time of registration) and nine the second (enrolment at the primary). In the first case enrolment may be changed whenever registration occurs. In the second case the voter may usually file a declaration with the town clerk or county clerk—not later than six months before the primary in Maryland; thirty days in Kansas and Oregon; fifteen in South Dakota; ten in Iowa, North Carolina, and Wyoming. A shift of party allegiance, therefore, entails no great difficulty. New Jersey affords an exception. There the shift can be accomplished by affidavit only when the voter has skipped two primary elections.¹² Perhaps Maryland, with its limitation of six months, may be placed in the same category.¹³

Socialist
party
and the
primary

The effect of the membership tests upon the Socialist party deserves passing mention. That party maintains an existence outside the law as a voluntary association. According to its rules, every applicant for membership must formally recognize the existence of the class struggle¹⁴ and the necessity of organizing the workers in a distinct party for the establishment of collectivism;¹⁵ he must declare that he is opposed to all political groups that support the

¹² Curiously enough, challenges are permitted in two of the states. In New Hampshire the voter must swear that he affiliates with the party and generally supports its principles; in South Dakota, that he is in good faith a member of the party and believes in its principles.

¹³ President Roosevelt, while conducting his "purge" of 1938, declared that in Maryland Republicans intended to invade the Democratic primary and come to the assistance of Senator Tydings. In fact, no such manoeuvre was possible. The President had not decided upon his plan of defeating the Maryland senator, or at any rate made it public, early in March when change of party affiliation was still possible. From the standpoint of 60,000 Negro voters, who had supported Roosevelt in the election of 1936, but retained their Republican enrolment, the law worked to the advantage of Senator Tydings. See article by Arthur Krock in the *New York Times*, September 4, 1938.

¹⁴ *Constitution and Organizational Structure of the Socialist Party*, Article III.

¹⁵ *Socialist Handbook* (1937), p. 36.

present capitalist profit system and to any form of trading or fusing with such groups;¹⁶ and undertake to be guided in all political action by the constitution and platform of the party.¹⁷ He must further pay monthly dues.¹⁸ The constitution of the party lays down rules for the suspension and expulsion of members.¹⁹ These extralegal arrangements work smoothly enough in the states where the Socialist vote is too small to bring the party under the mandatory provisions of the direct primary law. The party selects its candidates in its own way—by the votes of the dues-paying members—and gets their names on the election ballot by filing nomination papers. But, where the party is officially recognized as such and required to nominate candidates by direct primary, it lives a double life. On the one hand, it is a voluntary association with pledged, dues-paying members; on the other hand, a public body, regulated by law, which anyone may join by meeting the prescribed tests. Under the law it would be quite possible for non-Socialists to enter the Socialist primaries, capture the legal party, and commit it to principles and candidates antagonistic to collectivism. So far that has not occurred. The dues-paying members select the candidates by referendum; and, to comply with the law, these candidates are afterwards nominated without opposition at the primary by those who have qualified as members of the legal party. If, however, the Socialists should develop here the political strength they did have in Europe, a different situation would arise. Nomination on the Socialist ticket would assume a new importance; the primary would be flooded by voters of lukewarm faith or no faith at all in Socialist principles—by the same voters who now pass from the Democratic to the Republican party, from the Republican to the Democratic party, whenever factional conflicts excite their interest. The dues-paying organization would lose control of the legal organization. Socialism would survive as a convenient label in the clash of competing political ambitions.

OTHER PROBLEMS OF THE PRIMARY

The primary laws provide, as a rule, for plurality nominations. That candidate wins who receives a larger vote than any competitor, even though the vote be less than an absolute majority. This ar-

Minority
nominations

¹⁶ *Constitution*, Article X, section 8.

¹⁷ *Ibid.*, Article III, section 2.

¹⁸ *Ibid.*, Article XI.

¹⁹ *Ibid.*, Article X, sections 1-5.

rangement, long familiar in our general elections, has given tolerable satisfaction. The successful candidate in most cases gets more than half the votes cast for the office. Thus Professor Hormell observes, with respect to Maine, that "the evils of plurality nominations have been experienced only in a slight degree";²⁰ and Professor West likewise observes, as to California, that in the rare cases where the nomination goes to minority candidates "the result is accepted without much criticism, not because it is just, but because it is more satisfactory than holding a second primary or adopting preferential voting."²¹ Nevertheless, danger is always latent in the system. It may be revealed in situations that are nothing short of disastrous to the party in the general election. While a convention, through successive balloting and compromise of views, may be expected ultimately to choose a candidate who has moderate opinion squarely behind him, in the primary rival aspirants may divide the majority vote and bring to the head of the poll a candidate who reflects the extreme views of a small faction; and this result may be obtained by conscious planning, by the designation of candidates for the sole purpose of disrupting a potential majority.²² In some states factional quarrels within the party accentuate the danger. In five of the first seven elections after the adoption of the Wisconsin direct primary law of 1904 the Republican candidate for governor received less than half the primary vote; on one occasion only 29 per cent.

Remedies:
(1) post-
primary
conven-
tions

For minority nominations three remedies have been devised: the second primary or "run-off," the second-choice or preferential ballot, and the postprimary nominating convention. Iowa and South Dakota employ the convention.²³ In South Dakota the state con-

²⁰ *Annals of the American Academy*, Vol. CVI (1923), p. 137. For the year 1922 he shows that 94 per cent of the candidates received a majority vote.

²¹ *Annals* as cited, p. 117.

²² The Republican primaries of 1922 in Iowa afford an example. The law provides that, if no candidate receives a 35 per cent vote, the nomination shall be made by delegate convention. "Mr. Brookhart, who was popular with the rank and file of the Republican party, but who was out of sympathy with the party organization, was opposed by five rivals in the race for the senatorial nomination. Not one of these five had a chance for success. They were put into the race for the purpose of dividing Brookhart's strength in the farmer, labor, soldier and urban groups in the state, with the hope that he might receive less than 35 per cent of the vote." He actually did receive over 40 per cent. See Dr. B. H. Williams' article on minority nominations, *Annals*, p. 114.

²³ Prior to 1929 it was used also in Indiana, for the offices of governor and

vention acts whenever no candidate for nomination to the offices of governor, United States senator, or congressman polls 35 per cent of the primary vote. In Iowa the 35 per cent rule applies to all offices, state and local. Experience under the law of Iowa, Professor Benjamin H. Williams wrote twenty years ago,²⁴ "shows that in by far the greater number of cases the leading candidate has secured an actual majority; and even where he has not obtained a majority he has been generally able to obtain the required 35 per cent. The convention has had but few nominations to make and in only three of those instances has it set aside the plurality candidate for another. These three cases were in the nomination for the less important state offices. It may thus be seen that the Iowa law has had but little effect upon the results in that state." Still it might have been expedient to require a majority rather than a 35 per cent vote, as the law of Indiana did before the abolition of the state-wide primary in 1929.

A second device is the preferential ballot, or what the English call the alternative vote. During the past generation eleven states have adopted and abandoned it.²⁵ Florida gave up the experiment in 1929 and Alabama in 1931 in favor of the "run-off," both being states of the Solid South, where Democratic nomination is equivalent to election and where, therefore, minority candidates are particularly to be avoided. In both cases the voter was instructed to mark a second, as well as a first, choice whenever there were more than two candidates for any nomination. A majority of first choices was

(2) second-choice ballot

United States senator, when no candidate for nomination in the primary received a *majority* vote; and in Michigan and South Dakota prior to 1909.

²⁴ *Annals*, p. 114.

²⁵ Alabama, Florida, Idaho, Indiana, Louisiana, Maryland, Minnesota, North Dakota, Oklahoma, Washington, and Wisconsin. Oklahoma's law was peculiar in the fact that the voter must indicate a third choice when the number of candidates for nomination exceeded four and that, when combined with first choices, each second choice counted one-half and each third choice one-third of a vote. The law was declared unconstitutional in 1926 as denying the free exercise of the right of suffrage; according to the court, when the legislature required the voter to indicate a second and third choice on pain of having his ballot voided, it practically said to him: "Unless you vote for one or two who are not your choice, then the vote of the one who is your choice shall not be counted." *Dove v. Oglesby*, 244 Pac. 798. See R. E. Cushman, "Public Law in the State Courts in 1925-1926," *American Political Science Review*, Vol. XX (1926), p. 588. P. O. Ray describes the statute, *ibid.*, pp. 351-352.

decisive. If there was no such majority, the second choices were brought into play by dropping all but the two highest candidates and adding to the first choices of the latter, in Florida, the second choices marked on the rejected ballots and, in Alabama, the second choices marked on all the ballots. The candidate who then had the greater number of votes received the nomination. In Australia, where the preferential ballot originated, the count proceeds differently.²⁶ The candidate having the fewest first choice votes is dropped, and the second-choice votes on his ballots are given to the indicated persons, the process being continued until one candidate has a clear majority of combined first and second choices or until there are only two candidates left. Maryland abolished the preferential system in 1939. She had followed Australian practice; but the primary vote served only as a means of instructing delegates to the state nominating convention. The delegates were required to support the first choices in the primaries of their respective counties; but, if no candidate received a majority of all the votes in the convention, the lowest man was dropped, the delegates who formerly supported him as the first choice of their counties then voting for the second choice of the county. This process continued until a majority backed one candidate. When the second choice of any county had been dropped, the delegates were free to vote for any person whose name was still before the convention. The second-choice system does not apply to the preferential vote for president.²⁷

Objections
to it

The preferential ballot has the advantage of simplicity and convenience. But American experience, as shown by the fact that so many states have abandoned it after trial, has been unfavorable. The voter persists in his old ways. "Out of 664,559 opportunities to express a second choice in the Indiana primaries of 1916," says Dr. Williams,²⁸ "the voter took advantage of the privilege in only 155,123 instances, or 23 per cent of the whole number. Although there were thirty-five contests in which second choices could have been expressed, and of these there were twenty-four instances in which no candidate received a majority, yet the distribution of second-choice votes did not affect the result in a single case." Experience in Louisiana and Minnesota was exactly the same; the few second

²⁶ Minnesota and Wisconsin, while they used the preferential ballot, followed Australian practice.

²⁷ See Chapter XX.

²⁸ *Annals* as cited, p. 113.

choices that were expressed had no effect whatever upon the result of the primary. In the nomination of a Republican candidate for the office of governor of Minnesota, with six names on the ballot, little more than a fifth of the voters marked a second choice.²⁹ Under the Oklahoma law of 1925, which was declared unconstitutional for that very reason, a failure to indicate second and third choices invalidated the ballot. The preferential ballot was used in the municipal elections of Cleveland for a considerable time. There a different sort of problem presented itself. "It was discovered," says Professor C. C. Maxey,³⁰ "that the preferential-choice scheme would be turned to the advantage of the party passing out the word to all regulars to vote only for a first choice. Thus the alternative votes of the independent voters would tend to build up the aggregate vote of the party candidate, but the regular party voters would contribute nothing to the aggregate vote of the independent candidates. As the field was likely to be divided between several candidates, the party candidates had by far the best chance to win. This explains perhaps why from 1913 to 1921 the 'Mary Ann' ballot resulted in the election of not a single independent candidate for mayor."

A third method of obviating minority nominations is to hold a second primary as a contest between the two highest candidates. Of the ten states of the Solid South all but Virginia employ the "run-off," as the second primary is called in popular language.³¹ Arkansas was without it four years.^{31a} The legislature of Virginia refused to adopt it in 1932 despite the recommendation of the commission to revise and codify the election laws; but the county or city

(3) second, or "run-off," primary

²⁹ Professor W. A. Schaper in the *American Political Science Review*, Vol. VII (1913), pp. 89-90. "After all, the main difficulty was one which seems to be inherent in preferential voting. Preferential voting is in essence an attempt at attaining a psychological result by a refinement upon the election process—the attainment of a majority which sometimes does not exist. Many voters had but one choice for governor. It was that one or none for them. This is more apt to be the case where men not measures are the issue. In this election the second choice figures did not change the results at all. The candidate having the largest first choice vote won."

³⁰ *Ibid.*, Vol. XVI (1922), p. 84.

³¹ Florida in 1929 and Alabama in 1931 substituted it for the alternative (preferential) vote. South Carolina provides for a third primary in case of a tie vote in the second.

^{31a} 1935-1939. The politicians opposed it; but the electorate, as shown in a referendum (1940), took a different view. Among the border states, Kentucky adopted it twice (1925 and 1935), only to abolish it the next year; and Oklahoma adopted it in 1929 and abolished it in 1937.

committee of any party may provide for a local run-off. No second primary is held in Louisiana if the second-highest candidate withdraws or, as to all state offices, if a candidate for the gubernatorial nomination receives a majority vote in the first primary; in North Carolina if the second-highest candidate does not ask for it; or in Texas, as to local offices, if the county committee of a party makes a rule to that effect. The run-off takes place from two to six weeks after the first primary.³² The arrangements in Georgia, affecting the nomination of candidates for state-wide office, are peculiar in the fact that they rest on what is styled the "county unit vote." An analogy is found in the election of the President, the popular vote being taken by states and each state giving the highest candidate an electoral vote equivalent to the representation of that state in Congress. In the Georgia primary the highest candidate in each county is credited with twice as many votes as the county has members in the lower house of the state legislature. If no one obtains a majority of all the county unit votes, the two leading candidates must face each other in a "run-off" or second primary. The run-off is, no doubt, well adapted to the special circumstances of the South.³³ Elsewhere—even in states that resemble the South in giving to one party an overwhelming preponderance—there seems to be no inclination to adopt it. Utah is the sole exception.³⁴ Kentucky adopted it twice, only to drop it the following year.³⁵ The objections are of no negligible character; for the second primary throws an additional burden upon the already overburdened voter and involves the public and the candidates alike in heavy expense.

Another problem of the direct primary has to do with the for-

³² Two weeks in South Carolina, three in Florida and Mississippi, four in North Carolina and Georgia, five in Texas, and six in Oklahoma and Louisiana.

³³ In Texas the run-off was called into play for the nomination of a Democratic candidate for Governor on every occasion from 1922 to 1936 inclusive. Yet in 1938, with eleven others in the field, O'Daniel polled a clear majority vote.

³⁴ Oklahoma adopted it in 1929, three years after the supreme court of the state had voided the act establishing the preferential ballot. In 1930 the court sustained the run-off provision, which was, however, abandoned in 1937. Utah adopted it in 1937, along with a mandatory open primary.

³⁵ The law now reads: "In any primary election the candidate receiving the highest number of votes for the particular office for which he is a candidate shall be the nominee of his party for that office and shall receive the certificate of nomination." See p. 511, note 31a.

mulation of party principles and policies.³⁶ It is an advantage of the convention system that, since the same body selects the candidates and frames the platform, the requisite harmony of "men and measures" is secured. Six of the direct-primary states have retained or restored the state nominating convention.³⁷ In their case no problem arises. Elsewhere, under the state-wide direct primary, the doctrine of immediate popular control would seem to imply that the voters, who choose the candidates, should also take a hand in framing the platform.³⁸ The notorious Richards law of South Dakota, which was repealed in 1929, provided that the preprimary conventions should present majority and minority platforms and that the "paramount issue" of each should appear on the primary ballot in eight words.³⁹ Astonishing proposals were sometimes laid before the legislatures twenty or thirty years ago. One Texas measure of 1919, resembling an actual law which the courts had declared unconstitutional ten years earlier, forbade any political party to embody in its platform a demand for specific legislation, unless the measure had been approved at the primary; and a Washington measure of the same year, as Professor Boots describes it,⁴⁰ permitted any group of one hundred voters to offer ten-word proposals; "those receiving one-third of the vote cast at the primary, and a plurality, were to be placed on the general election ballot, and if similarly approved at the election, it became the paramount duty of the legislature . . . to work them into a proper and consistent form of law." In Oregon any candidate for nomination may have a twelve-word statement of the measures or principles that he ad-

³⁶ This subject is discussed also in Chapter XIII, p. 351.

³⁷ Indiana, Iowa (the convention nominates only in cases where no candidate has received 35 per cent of the primary vote), Maryland, Michigan, New York, and South Dakota.

³⁸ The constitution of the Socialist party provides (Articles VII and XII) that any decisions of the national convention, including the platform, shall be submitted to a referendum when 25 per cent of the delegates request it; and that alternative proposals may be submitted at the same time. Except for a period of six months before the convention meets, any question will be referred to the party members on the demand of five locals in three states, provided these states include 20 per cent of the membership.

³⁹ Anyone interested in exploring political eccentricities should read R. S. Boots, "The Richards Primary Law," *American Political Science Review*, Vol. XIV (1920), pp. 93-95; and C. A. Berdhal, "The Operation of the Richards Primary," *Annals of the American Academy*, Vol. CVI (1923), pp. 158-171.

⁴⁰ "Party Platforms in State Politics," *Annals* as cited, p. 73.

vocates printed on the primary ballot. So the voter is told that "Norblad in Congress means active representation" or that another aspirant has "no interests to serve but the public interests." If the voter knows so little about the candidates that a twelve-word slogan can determine his choice, when he is in the very act of voting, the process of direct nomination is no better than a lottery.⁴¹

(1) by
delegate
conven-
tions

The law of Oregon makes no reference to a party platform, yet it does provide for something more adequate than brief slogans of individual aspirants at the primary. A publicity pamphlet is mailed to all the voters.^{41a} At a cost of fifty dollars a page each party may have as many as twenty-four pages in which to offer "statements and arguments for the success of its principles and the election of its candidates." The method of formulating those principles is not prescribed, but left to the decision of the party organization. Nor should it be assumed in other cases where the statutes are silent that the platform has been given up. In Kentucky, for example, the Democratic candidate for governor and others associated with him on the ticket outline the issues of the campaign.⁴² It is usually a convention that adopts the platform, whether or not the law provides for the meeting of a convention or expressly endows it with that power. Six states, as already noticed, hold state nominating conventions; six other states permit the party to nominate either by primary or convention.⁴³ Sixteen others authorize the meeting of conventions, which are debarred from making nominations, however, except in the case of presidential electors.⁴⁴ If the convention meets before the primary—as it must in five states and may in two,⁴⁵ there

⁴¹ On the South Dakota ballot, under the Richards law, Major-General Wood advocated in 1920 "Patriotism, Prosperity, Peace, Agriculture Promoted, One Flag." A quaint provision required candidates for the gubernatorial nomination to engage in sixteen joint debates upon the "paramount issues."

^{41a} Before the general election. This pamphlet should not be confused with the pamphlet issued before the primary.

⁴² Letter from Lieutenant-Governor Keen Johnson, July 6, 1938.

⁴³ Alabama, Arkansas, Delaware, Georgia, South Carolina, and Virginia.

⁴⁴ Colorado, Illinois, Kentucky, Massachusetts, Maine, Minnesota, Mississippi, Nebraska, Nevada, Ohio, South Carolina, Texas, Utah, West Virginia, Washington, and Wyoming. In Mississippi and Wyoming the convention meets every fourth or "presidential" year. In the other states of the Solid South—besides the three listed here—conventions are called by party rules.

⁴⁵ The convention is held before the primary in Colorado, Maine, Nevada, South Carolina, and Wyoming. But in Colorado the platform is framed, not by the convention, but by a party council. In Minnesota and Washington the parties are free to fix the date of the convention.

is no assurance whatever that the platform will be acceptable to the candidates. If it meets after the primary, on the other hand,—the delegates and candidates having been chosen at the same time,—the platform is likely to take color from the expressed views of the candidate for governor. He is in a position to dictate; for the convention knows that, whatever action it may take, he must adhere to the pledges given during the primary campaign.

In thirteen states the platform is framed after the primary by a "party council" or "platform convention."⁴⁶ Wisconsin took the lead in adopting this plan. There the party council consists of the candidates for state and legislative office, with the addition of hold-over state senators belonging to the party. Vermont includes candidates for county offices. Eight states—Arizona, California, Idaho, Kansas, Missouri, Montana, New Jersey, Utah—include candidates for the federal Senate and House; seven—Arizona, Colorado, Idaho, Montana, New Jersey, Ohio, Vermont—the members of the state committee or (in Colorado alone) the chairman; five—Arizona, Idaho, Kansas, Ohio, Vermont^{46a}—the chairmen of county committees; and three—Arizona, Kansas, Vermont—the two members of the national committee. Only in the party council of Arizona do all these elements (except nominees for county offices) appear. New Hampshire and Utah lean to the old form of the convention, delegates sitting side by side with candidates for the various offices. According to the law of Ohio, the platform is formulated by a delegate convention in presidential years. The party council is better suited to its purpose than the convention. The latter has no responsibility that can be enforced. It is a mediocre gathering, possessed of little power and therefore elected by the voters without much discrimination, meeting for a day or two to discharge a task for which its special competence may be doubted and which involves its members in no future obligation, then disappearing completely and leaving the party policies to the care of those who had no hand in shaping them. Lit-

(2) by
party
councils

⁴⁶ They are: Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, New Hampshire, New Jersey, Ohio, Utah, Vermont, Wisconsin. In Iowa, North Dakota, Oregon, and Pennsylvania the state committee discharges this function. The arrangements in California resemble those in Wisconsin, but with the addition of candidates for the state board of equalization and for the Senate and House at Washington. But in California it is the common practice to seek nomination by two or more parties. Hence the law provides that a candidate nominated by more than one party can sit only in the convention of the party with which he was affiliated thirty-five days before the primary.

^{46a} In Vermont all members of the county committees (1939).

tle good can be said of such an arrangement. Party policies should be formulated by the party leaders. These are, or ought to be, the men chosen for public office, chosen because of their character and capacity, and, if elected, put in a position of effective responsibility. In theory at least the party council of Wisconsin or Kansas is an admirable institution.

MERITS AND DEFECTS OF THE DIRECT PRIMARY

Objections to the direct primary:

It has already been remarked that the chief political issues of the immediate past, such as woman suffrage and prohibition, cut across party lines. Profoundly as they stirred the electorate, they were kept out of the arena of party conflict. So, in the case of the neo-democratic or progressive movement that divided the community thirty years ago, the cleavage occurred in the ranks of each party and was all the more bitter on that account. Even now contention has not been brought to an end. The direct primary, which has generally supplanted the nominating convention, is still assailed bitterly. It is condemned on many grounds, sometimes, indeed, for faults that are not inherent in the system of direct nominations, sometimes for faults that are characteristic of democracy itself.

(1) minor- ity nomi- nations

Faith in direct nominations does not imply an equal faith in the detailed arrangements which are found in the law of any given state. The direct primary should not be discredited by accidental, remediable defects in its application. If plurality nominations are objectionable, recourse may be had to the second primary or the preferential ballot. But "both methods, when actually tried," says Chester H. Rowell,⁴⁷ "have almost uniformly resulted in confirming the plurality choice of the first poll. The exceptions were in the case of routine offices, involving no policy or issue, in which the evil of an occasional minority nomination is not worth the trouble of curing. Theoretically, plurality nominations might work injustice or misrepresent the people. If this evil ever becomes practically important, it is easily cured. Actually, so far, it has rarely if ever happened."

(2) leni- ent party- member- ship tests

The party test has aroused much criticism. It means so little in most of the states that the voters of one party can invade the primaries of the other party with entire freedom. "One bugaboo, however, which has frightened the theorists," to quote Chester H.

⁴⁷ *Transactions of the Commonwealth Club of California*, Vol. XIX (1924), p. 572.

Rowell again,⁴⁸ "has not happened. The Democrats do not invade the Republican primary to foist on the Republicans a weak candidate, in order to defeat him with the Democratic nominee. When they invade the Republican primary it is to vote for a strong candidate, whom they expect to support in the final election also; thereby contributing to Republican victory. This is another case in which the thing that *does* happen differs from the thing the critics thought *would* happen. But it does happen, under primary laws encouraging it, that members of the minority vote wholesale in the primary of the majority party—thereby, usually, bringing about the destruction of their own party. This has happened in Wisconsin, where there is now no Democratic party. . . . It need not happen, on any important scale, under a proper primary law. Or if it does happen in some incurably one-party state, it is probably a good thing. It develops a real opposition group in the primary instead of a futile one at the election. Something like this has happened in both North and South Dakota, and might be desirable in other one-party states, like Vermont. It is of course in effect what has always been done, so far as white men are concerned, in the Southern states. What would have been, except for the race question, the Republican party there, functions instead as a useful factor of the Democratic party. . . . The trouble is that in these days, when nobody knows what a Republican or a Democrat is, strict party tests are impossible. No two Republicans could agree on any test by which either could judge the Republicanism of the other. So the only practical test is the one we have in California—that each voter shall be what he regards as a Republican, and shall publicly record that choice, with his registration, at least thirty days before election."

The truth is that the decline of partisanship—the obliteration of clear-cut lines of demarcation, the confusion and uncertainty in the mind of the individual voter—lies at the root of the problem of the party test. The direct primary itself offers no obstacle to an appropriate solution. Every sort of experiment has been tried. In some cases there is no test of any kind; in nine of the ten states of the Solid South, as also in Delaware, the party organization can make the test as severe as it wishes. Where party labels have ceased to convey a meaning, it would seem idle to lay down an artificial distinction in the law.

The direct primary, it is said, has broken down party responsibility. Exactly what the critics mean by party responsibility is not

⁴⁸ *Ibid.*, pp. 572-573.

(3) destruction
of party
responsibility

always clear. In the English sense it means that the parliamentary leaders formulate the issues of the election campaign and, taking office subsequently, are entrusted with power to carry out their pledges. That kind of responsibility has never obtained in the United States.⁴⁹ The convention could not supply it even in theory, because, disappearing as soon as its momentary task was accomplished, it could not be held accountable for anything and because the candidates it named did not have the right to frame their own platform; and in practice the delegates were office-holders and office-seekers, pursuing selfish aims and controlled by wire-pullers behind the scenes.⁵⁰ Nevertheless, the convention was, from the standpoint of responsibility, a better instrument than the direct primary of the usual type. To say that the mass of primary voters are responsible gets us nowhere; responsibility can be effective only when brought home to the individual. In the old days it could be brought home to the bosses. "While the bosses controlled the conventions," said the late Senator Foraker,⁵¹ "they were in turn controlled by public sentiment, which was mightier than any political boss or leader. This sentiment held even the most arbitrary and dictatorial and powerful bosses to a rigid responsibility and accountability at the elections, and afterward; and thus made them careful."⁵²

Of course, under the direct primary—in spite of it, one might say—the party organization has a good deal of influence upon the

⁴⁹ "There is such a thing as party responsibility," says Chester H. Rowell (*op. cit.*, p. 566). "No one could believe in it more strongly, nor more earnestly desire to get it, than I do. I think that the one fundamental failure of our American mechanism of government is its inability to achieve just this party responsibility. There is such a thing. They have it in Canada. . . . It is one of the most familiar and important things in the governmental structures of the world. But it is pure hallucination to dream that we ever had it in America, and especially to pretend that the convention system had anything to do with it."

⁵⁰ "The old conventions," says Rowell (*ibid.*), "did not 'deliberate' on candidates. They traded, or obeyed and took the program. They did not represent the party. They misrepresented it. If they were 'responsible' to anything, it was not to the party, and if they were responsible for anything it was not for their nominees. Their only use was to prevent the people from governing themselves."

⁵¹ J. B. Foraker, *Notes of a Busy Life* (2 vols., 1916), Vol. II, p. 454. See in the same sense A. M. Kales, *Unpopular Government* (1914), p. 116.

⁵² Senator Foraker continues: "On this account, as well as for other reasons, conventions scrutinized candidates and studied platforms. Without an acceptable declaration of principles and capable and popular men to represent them as candidates, defeat followed for the party and dethronement for the bosses."

choice of candidates. Speaking of Iowa, Professor Horack says: ⁵³ "There is much evidence going to show that the primary has not been a menace to party organization. Indeed, party organization really controls the primary to a considerable extent. In theory, any one is free to circulate his own petition and contest any nomination; but in practice, it is usually futile to oppose the organization unless public sentiment is aroused." Professor Guild finds that in Indiana "party responsibility has not been altered as greatly as would first appear." ⁵⁴ Wherever party spirit continues to cast something of the old spell, the leaders or bosses, through private conferences or extra-legal preprimary conventions, put forward a slate. On the ballot there is nothing to distinguish their candidates from other candidates; but, as to the more important offices, the voter becomes well enough informed. He ought to be informed in all cases. He ought to be able to accept or reject the organization slate in accordance with his confidence or lack of confidence in the organization, just as he accepts or rejects the nominees of a particular party in the general election. The "Hughes plan" would invest the party committee with the right of designating candidates and of having the fact of such designation noted on the ballot. That plan would serve the ends of party responsibility better than would a return to the convention system.

Party
organiza-
tion still
influential

The most vulnerable point about the direct primary is its failure, speaking generally, to bring about the nomination of men of large caliber. Experience varies somewhat from state to state; and, in appraising that experience, personal opinion is likely to take color from prejudice and to reflect approval or disapproval of the direct primary itself. ⁵⁵ But there has been no advance in the quality of pub-

(4) nomi-
nation of
mediocre
men

⁵³ *Annals* as cited, p. 153.

⁵⁴ *Ibid.*, p. 176. But President A. B. Hall showed, twenty years ago (*ibid.*, p. 47), that a different situation existed in Wisconsin. Only once since 1906 had the five chief state officers been elected by the same faction of the Republican party; and cleavage between these officers had found expression "in many ways positively detrimental to the public service." More alarming had been the failure of the direct primary to establish harmony between executive and legislative departments. It should be observed, however, that Wisconsin was practically a one-party state and that the effective decisions were reached in the Republican primary, rather than in the election.

⁵⁵ So staunch a supporter of the direct primary as Chester H. Rowell admits (*op. cit.*, p. 575) that "the standard of state officials in some states has gone down" and that "the people, on the whole, do not elect as good United States senators as the bosses used to provide for them." Professor A. C. Millspaugh in

lic officers since the abandonment of the nominating convention. Indeed, the last twenty years have witnessed a marked deterioration in such a body as the United States Senate. Democracy does not encourage talent.⁵⁶ At any rate, the people, having no intimate acquaintance with the politicians, are apt to judge them, not by character, but by showy and superficial qualities that disguise mediocrity. From this standpoint the legislative caucus or congressional caucus was much superior to the convention—which, however, acted on the advice of well-informed bosses—or the direct primary. The incompetence of the voter at the primary can hardly be disputed;⁵⁷ the mere fact that it is considered necessary to rotate the names on the ballot establishes his incompetence. “A somewhat extensive personal inquiry among the voters of the village of Oberlin, having a population of about 5,000,” says Professor Karl F. Geiser,^{57a} “revealed the fact that not a single voter who was asked whether he had been able to make a discriminating choice for every office on the primary ballot answered in the affirmative; not even the members of the party committee, though their knowledge of the candidates was more extensive than that of the average voter, could give adequate information concerning all the names on the party ballot.”

Practice of
deception

The helplessness of the voter is such that almost incredible things have happened. Thus, in the presidential primary of 1920 Republicans of Pennsylvania gave more than 250,000 votes to Edward Randolph Wood, who was obviously mistaken for—and intended to be mistaken for—Major-General Leonard Wood. Ten years later George W. Norris, a grocer of Broken Bow, Nebraska, was paid \$550 to oppose Senator George W. Norris in the Republican primary. “Politics in Oklahoma,” says the *New York Times*,⁵⁸ “must be a good deal like the Irish Sweepstakes, which is operated by drawing well-advertised names out of a revolving drum. Democratic aspirants for office listed so far in the July 12 primaries include four Will Rogerses, a Brigham Young, Huey Long, Daniel Boone, Robert Burns, Joe E. Brown, Patrick Henry, Sam Houston, Wilbur Wright, John L. Lewis and Mae West. Mae West of Oklahoma

a study of the Michigan direct primary, twenty-odd years ago, expressed the opinion that “the balance between the old and the new systems so far as the character of nominees is concerned appears to be about even.” *American Political Science Review*, Vol. X (1916), p. 720.

⁵⁶ This is the theme of Emile Faguet's *The Cult of Incompetence*.

⁵⁷ The Los Angeles primary ballot bore 1733 names in 1934; 1451 in 1936. Such phenomena explain why voting machines had to be abandoned in 1932.

^{57a} *Annals* as cited, p. 33.

⁵⁸ May 23, 1938.

City, mother of eight children and active in the Baptist Church, is running on a Bible platform for Commissioner of Charities and Correction. Of course, not one of them is entitled to the celebrity implied in the name. This popular patronymic pastime all sprang from the success of an incumbent, Representative Will Rogers, who traded on the fame of the late Oklahoma philosopher but is now challenged by three opponents all equipped with similar names. The situation might seem funny if it did not go so far toward justifying the frank comment attributed to Harry Hopkins that the voters are just 'too damned dumb' to know what it is all about."⁵⁹

It may be urged that, in condemning the direct primary on this ground, the very principle of democracy is called in question; that, if the voter is not competent to choose candidates at the primary, he is not competent to choose public officers at the election. Aside from the fact that the election arouses more interest and attention, the circumstances of the voter are the same in both cases. What is called in question, however, is not the democratic principle, but the method of its application in America. There are too many elective offices; the ballot is overweighted. In looking over primary ballots one will encounter cases where the voter is expected to choose more than forty candidates out of a field of some two hundred. The most intelligent voter finds the task impossible; the most sanguine democrat must acknowledge that, sound as the theory of election may be, overemphasis and exaggeration in practice have reduced it to futility. Under existing conditions the system of direct nominations cannot fairly be tested. Indeed, it is the long ballot that furnishes the strongest argument for a return to the convention system. The long ballot is peculiar to American politics. Its fatal effects have been demonstrated. The whole problem of nominations would disappear if, in conformity with Canadian practice, the only elective state officers were the members of a single-chambered legislature and if the same simplicity of structure marked local government.

This criticism equally valid against system of election

While the direct primary is sometimes condemned for faults that can easily be remedied, inherent defects have also been revealed. In the first place, the direct primary is an election; and elections involve heavy expense both to the public and to the candidates. Ac-

(5) cost to public and candidates

⁵⁹ Various states have taken steps to prevent such deception. Thus, in Nebraska and Michigan, when two or more surnames have the same spelling or sound, the postoffice address and occupation may appear on the ballot; in California a distinguishing number in "large black face type."

cording to Professor Victor J. West,⁶⁰ the California primary of 1922 cost the state at least \$570,000 or seventy cents for each vote cast;⁶¹ the Indiana primary of 1920 cost \$313,427, or ninety-nine cents for each vote, as against forty-five cents for each vote in the general election.⁶² By restoring the convention no great public economy would be effected, however, unless the parties were permitted to conduct their own primaries; and opinion is scarcely prepared to accept a solution of that kind. The cost of holding a primary for the election of delegates would be little less than the cost of holding a primary for the nomination of candidates. But it is not only the cost to the public treasury that has to be considered. The amount spent on behalf of candidates for state-wide office is sometimes very large—more than \$100,000 in the case of Senator Stephenson of Wisconsin (1909) and almost \$200,000 in the case of Senator Newberry of Michigan (1918).⁶³ In 1926 an investigating committee of the United States Senate brought to light colossal expenditures on behalf of senatorial aspirants in the Republican party, an aggregate of more than a million dollars in Illinois and of \$2,777,942 in Pennsylvania.⁶⁴ On behalf of Senator William B. McKinley, defeated for the Republican nomination in Illinois, more than \$500,000 was spent; for Senator George Wharton Pepper, defeated in Pennsylvania, more than \$1,800,000.

Vast expenditures
in 1926

It was the way in which the money was raised and spent that constituted the real offence. Aside from the largesses of Mr. Joseph R. Grundy of Pennsylvania and Mr. Samuel Insull (backing Frank L. Smith in Illinois), there were mysterious cash transactions—gifts of \$25,000 and \$50,000 which the donors, being men in somewhat modest circumstances, were unwilling or unable to explain; and the dense fog of disguise and evasion that enveloped these transactions

⁶⁰ *Annals* as cited, p. 121.

⁶¹ Professor West observes: "The expense of conducting the primary is somewhat higher than that of conducting a general election, on account of the additional help required in the verification of nominating petitions and the necessity of printing ballots for each party as well as a non-partisan ballot."

⁶² F. H. Guild, *Annals*, p. 176.

⁶³ Little attention is paid to corrupt practice acts restraining expenditure. Thus an unsuccessful candidate for the senatorial nomination in West Virginia spent \$96,000, although the state law laid down a maximum of \$4,125. *New York Times*, October 6, 1922.

⁶⁴ *Senate Report 1197* (1926), Part II, p. 29. It is only fair to add that in Pennsylvania the money was spent, not for the senatorial office alone, but for competing tickets. See also G. H. Haynes, *The Senate of the United States* (2 vols., 1938), Vol. I, pp. 144-154.

gave them a sinister aspect. Some of the expenditures, though ostensibly innocent, bore certain familiar marks of gross corruption. Governor Pinchot declared that the senatorial nomination in Pennsylvania had been "partly bought and partly stolen."⁶⁵ If it was stolen, we must suppose that the hired watchers did little to earn their pay. There were many watchers. In Allegheny county, according to evidence obtained by the committee, the Vare and Pepper factions employed some fifty thousand of them at an estimated cost of half a million dollars; and in that county more than one-third of all the votes received by Vare and Pepper were cast by their ten-dollar watchers. It may be significant that Vare, with only ten watchers to a precinct, was outvoted by Pepper, who had twenty-five.⁶⁶

The occasional revelation of such scandals must not be taken as symptomatic of a universal disease. Many instances can be given where a United States senator, say, has won renomination without spending more than two or three thousand dollars.⁶⁷ Yet in a few states very large sums are commonly spent in state-wide primary

Legal restraints ineffectual

⁶⁵ Yet Pinchot himself had spent \$122,000 in the primary campaign of 1922. *New York Times*, June 1, 1932. In the campaign of 1926 he spent \$188,000.

⁶⁶ Such revelations have helped to keep alive the agitation for repeal of the direct primary. In this particular case, says C. H. Woody (*The Case of Frank L. Smith*, 1931, p. 297), newspapers of a Republican and conservative inclination "tended to regard Insull, and Smith as well, as victims of a piece of political quackery rather than as sinister and corrupt figures. Other critics of the direct primary found it possible to condemn that system of nominations without relieving the participants in the Illinois scandal of their share of the blame." Woody summarizes certain arguments of the critics (p. 298): In practice the direct primary "has merely altered the methods by which politicians achieve their ends. By weakening party responsibility it has made it more difficult than before for the people to exercise control of the political machines and has thus given freer play to sinister forces. Particularly in state-wide primaries it has become almost impossible to secure a nomination without machine-backing or unless the candidate is prepared to expend large sums of money, whereas candidates with both money and machine-backing are almost invincible. The result of all this has been to keep young men and poor men out of politics and make it a game played by the rich or by those intimately associated with corrupt or self-seeking machines."

⁶⁷ In the senatorial primaries of 1940 (*Senate Report No. 47*, 1941, pp. 130-141) Johnson of California and Bilbo of Mississippi spent nothing. Aspirants spent more than \$20,000 in seven states; more than \$35,000 in Maryland (Senator Radcliffe, \$120,000; his chief opponent, \$97,000), Ohio, and Pennsylvania. In 1938 successful candidates in the California primaries spent: for governor, \$103,664; for attorney general, \$32,912; and for United States senator, \$11,478. *Los Angeles Times*, September 22.

campaigns, perhaps under disguises that escape detection. Public employees are forced to contribute a percentage of their salaries and work for the party candidates; public funds are diverted to projects that will affect the local vote. At any rate, abuses occur frequently enough to justify the imposition of legal restraints upon lavish expenditure. The corrupt practice acts, as will be shown in Chapter XXIV, require publicity and sometimes limit the amount of money that may be spent or, without limiting the amount, specify the purposes for which money may be spent. Such laws may bring about an improvement eventually. At present they are nullified by ingenious evasions; or their provisions are inadequate; or their enforcement depends on the action of interested officials. Oregon not only limits the amount of expenditure,⁶⁸ but also seeks to equalize the opportunities of rich and poor by distributing campaign literature. This campaign literature takes the form of a publicity pamphlet—a separate one for each political party—and is mailed by the secretary of state, at least ten days before the primary, to every registered party voter. Any candidate, or his friends, may file with the secretary of state his portrait and a statement of the reasons why he should be nominated; and any person or persons may, after serving the candidate with a true copy, file a statement opposing his nomination. Each side is entitled to one page in the pamphlet at a charge varying from \$10 for legislative offices to \$100 for congressional and the more important state-wide offices. Additional pages, but in no case more than three, may be obtained at a uniform charge of \$100 a page. The publicity pamphlet seems to have given satisfaction in Oregon, where it was introduced in 1908, and in North Dakota (1913);⁶⁹ but it has been abandoned in Montana (1909–1919), South Dakota (1918–1921), Wyoming (1911–1919), and most recently in Florida (1935).

Expensive as the direct primary may be, it will never be abandoned on that ground alone. Americans are not parsimonious. If they approve the object and anticipate favorable results, no argument of economy will restrain them. They are ready to pay for the

⁶⁸ To 15 per cent of one year's salary of the office that the aspirant is seeking, but not less than \$100. The contribution, expenditure, or liability of a near relative, partner, employee, or fellow official or employee of a corporation shall be deemed to be that of the candidate himself.

⁶⁹ In North Dakota the charges are much the same as in Oregon, except that, in the case of county and legislative offices, the charge for additional pages is only \$25 and that only two may be obtained. A Colorado law of 1913 could not be put into operation because of constitutional obstacles.

process of informing and educating the electorate. What they actually do pay in the support of innumerable propaganda organizations—the Anti-Saloon League at the height of its campaign for the Eighteenth Amendment had an annual budget of \$2,500,000⁷⁰—utterly dwarfs the cost of conducting primary elections and contributing to the campaign funds of primary candidates. It is upon defects of a different order that the case against the direct primary must rest.

The direct primary does not provide that opportunity for consultation and compromise which the business of democratic government seems to require. It rests upon the assumption that the popular will can find spontaneous expression at the polls. In practice, however, mass action entails some kind of preliminary agreement. The electorate cannot function effectively unless the issues have been prepared beforehand and submitted to its consideration; without guidance its voice becomes unintelligible, its decisions incoherent. If the direct primary had accomplished the purpose that many of its proponents had in view and swept away the party organization or machine, the result would have been chaos. To the extent that it has done so—to the extent that it has deprived party of community of spirit and purpose, made the party, as Herbert Croly says,⁷¹ a mere official machine for the making of nominations instead of an agency by which its members may consult one another and reach an agreement upon differences of opinion—it has undermined the very foundations of democracy. President Hall touches the root of the matter in observing “that effective party government requires a constant process of compromise between the different elements in the party and that the direct primary makes compromise

(6) no opportunity for consultation and compromise

⁷⁰ Wayne B. Wheeler, “The Inside Story of Prohibition’s Adoption,” Article Two, *New York Times*, March 29, 1926. Evidence given before a Senate investigating committee in 1926 (*Times*, July 3, 1926) indicated a similar scale of expenditure since the adoption of the amendment. During a period of six years the national organization and the organizations in twenty-three states raised over \$11,000,000, *exclusive of moneys spent in political campaigns*. “There are still twenty-five states to be heard from,” says the *Times*, “and when these reports, together with the campaign totals, are reported, it is believed that the collections and expenditures for the six-year period will mount up to somewhere between \$15,000,000 and \$20,000,000.” Professor Odegard gives the average expenditure of 1920–1925 as \$1,846,875 (*Pressure Politics*, 1928, p. 200). Professor Overacker (*Money in Elections*, 1932, p. 74) gives some later figures: 1926, \$1,588,563; 1927, \$1,407,080; 1928, \$1,477,122; and 1929, \$1,271,114.

⁷¹ *Progressive Democracy* (1913), p. 344.

impossible in the selection of a ticket and extremely difficult in the formulation of party platforms.”⁷² The primary campaign brings the extreme factions of the party into collision. It lays stress upon issues that divide the party rather than upon community of aim; it brings into the open personal antagonisms which private discussion might have composed, but which public discussion only embitters and exaggerates. Family quarrels are difficult to heal after they have been carried to court; each side, having committed itself in the record, values consistency more than peace. Of course, it may be argued that these unhappy results are, on the whole, exceptional, that the party leaders, by means of an informal convention or conference, draw up an “organization slate,” and that, where partisanship remains more than an empty term, the slate is very often ratified at the primary without serious opposition. But such an argument does not justify direct nominations. It simply draws attention to the methods by which the party protects itself and seeks to escape the disintegrating effects of the primary.

(7) voter's
burden in-
creased

And why is it that the politicians can distribute the nominations before the primary, as they used to do before the convention, and confidently expect the voters to acquiesce? Why do their decisions assume such importance in the press and in the public mind when such decisions are supposed to be made only by the party voters at the polls? To say that the politicians are on their good behavior, that they offer good advice because bad advice would be rejected, does not explain the situation. The explanation lies deeper than that. The direct primary, instead of simplifying the task of the voter, as any really fundamental reform must do, has complicated it—thrown upon the voters, says Albert M. Kales,⁷³ a burden of political duties “which he will not and very likely cannot possible carry. It is that which makes him politically ignorant and forces him to fall back upon the assistance of the professional political adviser. When the primaries double the burden of the voter they increase two-fold the necessity for permanent organization for directing and advising the politically ignorant how to vote. Consequently, so far from disrupting an extra-legal government, the universal and compulsory primary makes its continued existence even more certain.” Herbert Croly expressed the same opinion in his *Promise of American Life*

⁷² “The Direct Primary and Party Responsibility in Wisconsin,” *Annals* as cited, p. 52.

⁷³ *Unpopular Government in the United States* (1914), p. 117.

(1909): ⁷⁴ "It may well be that this device will, in the long run merely emphasize the evil which it was intended to abate. It will tend to perpetuate the power of the professional politician by making his services still more necessary. Under it the number of elections will be very much increased, and the amount of political business to be transacted will grow in the same proportion. In one way or another the professional politician will transact this business; and in one way or another he will make it pay. . . . Whenever public interest flags,—and it is bound to flag under such an absurd multiplication of elections and under such complication of electoral machinery,—the politicians can easily nominate their own candidates."

The "regulars" vote: the adherents of the party organization or machine are not apathetic or indifferent. It is only at exceptional times, when popular interest is aroused by some spirited contest over personalities or issues, that they are overwhelmed and put to rout. But they can be put to rout. The voters have only to gird themselves for combat, make use of the weapon that lies at hand. The direct primary gives them means of control whenever they wish to exercise it. In ordinary times, of course, there are no sufficient reasons for taking the field and developing the necessary counter-organization: the organization slate is tolerably respectable; no public interest is threatened. "It is frequently said, in connection with primary contests," observes Charles Evans Hughes,⁷⁵ "that the candidates of the party organization generally win. This is stated as though it were an objection. Why should they not win? If a party organization is clean, vigorous and efficient, if it has the confidence of the party members, as such an organization should have, it will be influential in advising candidacies, and those who are presented as candidates with the approval of such an organization will in all probability be men who ought to be selected." Sometimes they are not; and then, if the party voters shake themselves free from their customary indifference, the proper rebuke can be administered through the direct primary. In a word, the direct primary has not proved an effective substitute for the old party organization any more than direct legislation has thrown state legislatures into the discard. Oligarchy still rules in politics; and the direct primary simply offers a means of interrupting its operations when they conflict with

Poten-
tialities of
the direct
primary

⁷⁴ P. 342.

⁷⁵ "The Fate of the Direct Primary," *National Municipal Review*, Vol. X (1921), p. 28.

the public interest or popular aspirations and engender resentment. In doing that much it must win a certain amount of approval. Even so, the convention system which it supplanted had something of the same kind of virtue. The party voters could elect the delegates and control the delegates if only they willed it firmly enough. The oligarchy could always be put to rout. It was, after all, a state convention that nominated Hughes twice in New York and La Follette three times in Wisconsin to make war upon the bosses; and these cases, though striking, were at the time by no means exceptional.

NOTE: In various parts of this book, and particularly in Chapter XXV, I allude to the lack of popular interest in voting. The long ballot and the plethora of elections create indifference; and the direct primary shows most clearly the effects of our absurdly complicated system. In *Voting Behavior: A Case Study* (1939) James K. Pollock has analyzed records in Ann Arbor, Michigan, for the years 1924-1932. He finds that 70 per cent of the potential electorate voted in presidential elections; a little over 30 per cent, in the autumn state primaries, and some 16 per cent in the spring city primaries. "The very low participation in all kinds of city elections, in state primaries, and in spring state elections," he says (p. 10), "may well point to the necessity of combining certain elections and eliminating others. If we are to have democratic government, it should be government by a majority of the people, and not by one-third of them." He adds (p. 12): "The lack of interest in local government elections effectively challenges the contention that democracy works best in local affairs."

-As to the primaries the record of Ann Arbor is characteristic, rather than abnormal. Consider New York City, where only fourteen per cent of enrolled Republicans attended the September primary of 1941; or neighboring Westchester county, where the percentage for all parties sank to six-six per cent, not of the potential electorate, but of those who had taken the trouble to register and enrol. *New York Times*, September 17 and 18, 1941.

Chapter XX

THE NATIONAL CONVENTION: COMPOSITION

Twenty-five years ago it seemed that the national convention was moribund, that the sweep of the progressive movement would involve it in the fate of the state conventions. The volume of criticism was steadily mounting. The events of 1912 seemed to affect public opinion profoundly. In that year the presidential primary, permitting the expression of a popular preference for candidates in a dozen states, showed clearly enough the preponderance of Roosevelt sentiment among Republican voters. Roosevelt carried nine states, La Follette two, Taft one;¹ and yet Taft was selected as the party nominee. This flouting of the popular will brought the convention into further disrepute. The end had come, Senator Jonathan Bourne of Oregon declared; there would be no more conventions. It was freely predicted that by 1916 every state would have provided for the election of pledged delegates and that the convention would become atrophied like the electoral college, surviving only to register a verdict already given at the polls.² President Wilson, in 1913, urged upon Congress "the prompt enactment of legislation which will provide for primary elections throughout the country at which the voters of the several parties may choose the nominees for the presidency without the intervention of nominating conventions."³ He realized the necessity of providing some means for the declaration of party principles and policies. Under his plan, for the purpose of ratifying the verdict of the primaries and formulating the platform, a party council was to take the place of the nominating convention. This party council was to consist of members of the na-

Movement
against na-
tional con-
vention

¹ Roosevelt: California, Illinois, Maryland, Nebraska, New Jersey, Ohio, Oregon, Pennsylvania, and South Dakota; La Follette: North Dakota and Wisconsin; Taft: Massachusetts.

² See newspaper comments in Louise Overacker, *The Presidential Primary* (1926), note, p. 175.

³ In 1912 the Progressive party advocated "nation-wide preferential primaries"; and the Democratic party looked to the accomplishment of the same object through action by the several states. Kirk H. Porter, *National Party Platforms* (1924), pp. 336 and 323.

tional committee (elected at the primaries), the presidential candidate, candidates for the House and Senate, and senators whose term had not yet expired. The platform would thus be framed, he said, by those responsible to the people for carrying it into effect.⁴ Both before and after the delivery of this message bills that had more or less similar objects in view were introduced in both houses of Congress.⁵

Its failure

However, though ominously threatening for the moment, the storm did little damage to the convention as it passed. In spite of the fact that half of the states had enacted presidential primary laws by 1916,⁶ the popular vote had no important bearing upon the nominations made in that year or at any subsequent occasion.⁷ Nor does there seem to be any prospect of a different result in the future. The progressive movement has spent itself. Reaction has set in. Eight states have repealed their presidential-primary laws;⁸ two others have abandoned theirs as unconstitutional.⁹ To-day, when only fourteen states retain mandatory laws,¹⁰ the national conven-

⁴ *Congressional Record*, December 2, 1913, p. 44.

⁵ Overacker, *op. cit.*, pp. 187 *et seq.*

⁶ California, Florida (optional), Illinois, Indiana, Iowa, Massachusetts, Maryland, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Vermont, West Virginia, and Wisconsin. The only presidential primary law enacted after 1915 was that of Alabama in 1923.

⁷ At the Democratic convention of 1932 Franklin D. Roosevelt received 666¼ of 1,154 votes (57 per cent) on the first ballot. The presidential-primary states contributed only 247½ or 37 per cent of his total—43 per cent of their vote.

⁸ Iowa (1917), Minnesota (1917), Vermont (1921), Montana (1924), North Carolina (1927), Indiana (1929), Michigan (1931), North Dakota (1935). A legislative attempt to repeal the Oregon law was frustrated by a referendum in January, 1936. The New York law, as amended in 1921 and 1927, provides that delegates at large shall be elected by the state committee or state convention, as the rules of each party may prescribe.

⁹ The Texas law was declared unconstitutional in 1916 (*Waples v. Marrast*). The Alabama law was abandoned when the attorney-general gave an official opinion against its validity, the constitution not permitting the establishment of a mandatory primary. Nevertheless, under party rules, delegates to the Democratic national convention are now always elected at the primary. Under the law, which is optional, the party committees decide for what office candidates shall be nominated by direct vote.

¹⁰ Florida has a permissive or optional arrangement: "The state executive committee of any political party may, by resolution, declare for the nomination of candidates for other than elective offices, and also for the selection of na-

tion seems to possess complete freedom of action. It cannot be said that such laws, providing for the popular election of delegates (except in Maryland) and in most cases permitting them to be pledged in some way to the support of a particular presidential aspirant, have, in practice, impaired that freedom. There is no national law regulating the convention. Congress apparently lacks power to enact one. Even if nomination is a part of the process of election, which the Supreme Court rendered doubtful in the case of *Newberry v. U.S.* (1921),¹¹ it does not follow necessarily that Congress can, on that ground, regulate the nomination of presidential candidates; for the President is elected by state officers, called electors, who are chosen in such manner as the state legislatures may prescribe. On the other hand, the Supreme Court did, in *ex parte Yarbrough*,¹² attribute to Congress an inherent power to see that "the votes by which its members of Congress and its President are elected shall be free votes of the electors, and that the officers thus chosen shall be the free and uncorrupted choice of those who have the right to take part in that choice." This doctrine of self-preservation may be good or bad law. In 1934 the Court revived it in the case of *Burroughs v. U.S.*¹³ Perhaps Congress may find here a constitutional warrant for regulating the national convention. Meanwhile, the convention exercises control over its own membership and procedure. Only by motives of expediency is it constrained to recognize the validity of

tional committeemen, delegates to the national political conventions, and for President and Vice-President of the United States" by direct primary. The law of Alabama empowers the state executive committee to decide what party offices (including delegates) shall be elected directly. As to the choice of delegates the laws of Mississippi and Texas entrust the matter to the state convention; and in Mississippi the courts restrained Perry W. Howard, black-and-tan Republican leader, from holding primaries for the election of delegates to the Republican convention of 1928 (*New York Times*, March 12, 1928). Elsewhere in the Solid South no legal restriction hampers the parties. That explains the practice of electing Democratic delegates at the primaries in Georgia. When Michigan repealed her presidential primary law in 1931, it was provided that henceforth delegates should be chosen in whatever way the state central committee might direct—just as in Florida.

¹¹ 256 U.S. 232. Four justices held that the power of Congress to regulate elections did not extend to primaries. A fifth justice (McKenna), holding that Congress had no power to regulate the nomination of senators before the ratification of the Seventeenth Amendment, reserved the question as to whether such a power can be exercised under the amendment.

¹² 110 U.S. 651 (1884).

¹³ 290 U.S. 534 (1934).

"Call" of
the na-
tional con-
vention

state laws that override party rules in the selection of delegates.¹⁴

Five or six months before the meeting of the convention—early in January or late in December—the national committee assembles at Washington and issues the "call." In the case of both major parties the call fixes the time and place of the convention and, in conformity with party rules, the number of delegates and alternates to be chosen in each state and territory.¹⁵ Under Democratic practice the method of choosing the delegates is left to the decision of the state central committee, which is bound, of course, by the local party rules or by the requirements of the state primary law. On the other hand, the Republican call proceeds to regulate this matter in some detail.¹⁶ Delegates-at-large and delegates from congressional districts, it provides, shall be elected within a defined period¹⁷ either by state

¹⁴ The Democratic convention has generally left the manner of choosing delegates entirely to the decision of the state party organizations; but in 1912 the platform advocated state legislation to permit the expression of a popular preference for presidential candidates and required the state party organization, in the absence of such legislation, to hold unofficial primaries in 1916 for the expression of a preference and for the election of delegates. Porter, *op. cit.*, pp. 323-324. The call for the 1916 convention referred to this pledge without providing for its fulfilment (*Proceedings* of 1916 convention, p. 216). The Republican convention, on the other hand, always lays down the manner of choosing the delegates. In 1912 two California delegates were unseated because of a conflict between the party rule, which provided for the election of district delegates, and the state law, which provided for the election of all delegates on a general ticket. The party rule was later changed so as to permit the general ticket (see 1916 call, *Proceedings*, p. 13). Under the existing Republican rules (*Proceedings*, 1936, pp. 96-97) a state law is not recognized (1) if it denies Republican representation on the board of election inspectors, (2) if it hinders, abridges, or denies the right of any eligible person to be a candidate for the presidency or vice-presidency, or (3) if it authorizes the election of a number of delegates different from that fixed by the party. In 1924, when a new apportionment allotted seven delegates at large to Wisconsin, the law provided for the election of only four. Coolidge supporters designated four candidates for the primaries; La Follette supporters, seven. The seven La Follette delegates were declared elected. See Overacker, *op. cit.*, p. 181.

¹⁵ The Democratic rules permit the national committee to determine the representation of the territories and insular possessions. See *Proceedings*, 1936, p. 325. Thus, in 1928 the committee assigned two delegates to the Virgin Islands.

¹⁶ *Proceedings* of the 1936 convention, pp. 95-98.

¹⁷ Not earlier than thirty days after the date of the call or later than thirty days before the date of the convention (fifteen days under Democratic rule) unless a different time is fixed by state law. The convention of 1924 met on June 10, but Oregon elected delegates on May 16, West Virginia on May 27, and Montana on May 27.

and district conventions or, where state law requires it, by direct primary. "All the delegates from any state may, however, be chosen from the state at large, in the event that the laws of the state in which the election occurs so provide."¹⁸ The credentials of all delegates, as well as all notices of contests, shall be forwarded to the national committee at least twenty days before the meeting of the convention; and the notices of contests "shall be submitted in writing, accompanied by a printed statement setting forth the ground of the contests." If a delegate has been elected by direct primary and presents a certificate of election from the proper state authority, his name must be placed upon the temporary roll of the convention; in other words, the national committee cannot go behind the official canvass of the primary.

The Republican convention always meets in June, usually around the middle of the month,¹⁹ and the Democratic convention two weeks or so later.²⁰ This arrangement, which gives the Democrats a tactical advantage, has been reversed only three times—in 1856, 1860, and 1888.²¹ As to the place of meeting the Democrats have shown a migratory disposition; except for the Chicago conventions of 1892 and 1896, they have never met twice successively in the same city.²² On the other hand, eleven of the twenty-one Republican conventions, including those of 1880–1888 and 1904–1920 have been held at Chicago,²³ and the national committee would have selected that city again in 1924, had not President Coolidge, apparently fear-

Time and
place of
meeting

¹⁸ They are so chosen in California, North Dakota, and South Dakota.

¹⁹ June 12 in 1928; June 14 in 1932; June 9 in 1936. But in 1860 and 1868 the date fell in May.

²⁰ Exactly two weeks in 1928 and 1936; thirteen days in 1932.

²¹ Before the conventions of 1936 the Republican committee met on December 16; the Democratic committee on January 8. The Democrats were, as usual, in a position to fix a later date for their convention. To rob them of this advantage, Reed of Pennsylvania proposed that, since the national committee could not very well hold another session in January, it should empower the small executive committee to fix the date of the Republican convention after the Democrats had acted. The proposal was rejected. *New York Times*, December 17, 1935.

²² From and including 1856 Democratic conventions have met five times in Chicago, four times in St. Louis; twice in Baltimore, Cincinnati, and New York; once in Charleston, Kansas City, Denver, San Francisco, Houston, and Philadelphia.

²³ The other ten Republican conventions met at Philadelphia (three times), Cleveland (twice), Baltimore, Cincinnati, St. Louis, Minneapolis, and Kansas City.

ing the strength of Johnson sentiment there, exerted pressure on behalf of Cleveland.²⁴ The atmosphere of the convention city may, indeed, influence the attitude of the delegates. In 1912 William F. McCombs, manager of Woodrow Wilson's pre-convention campaign, regarded Chicago and St. Louis as "very dangerous from the Wilson aspect. St. Louis was in Mr. Clark's logical territory. His supporters would be there in great numbers. This likewise applied to Chicago, and there Mr. Wilson had practically no newspaper support."²⁵ McCombs preferred Baltimore, partly because he could occupy the city with an army of Wilson adherents from New Jersey, Delaware, and Maryland and partly because he could count on the strong support of the *Baltimore Sun*. The selection of Baltimore was a Wilson victory. On other occasions the interests of the party as a whole have turned the balance in favor of a particular city; for the convention, while affected somewhat by its environment, may in turn charge the atmosphere with a little of its own infectious enthusiasm.²⁶

As a rule, however, considerations of a different order prevail

²⁴ F. W. Upham, treasurer of the committee, said on December 8, 1923, four days before the decision of the committee was taken: "Greatly to my surprise, I have been to-day advised by the responsible leaders of the Administration that it is their belief that the convention should go to Cleveland. While I am deeply disappointed, especially in view of the fact that I secured the assurance of a sufficient number of the members of the Republican National Committee to ensure the selection of Chicago as the convention city, as a staunch party man and friend of the Administration, I shall yield to this request." *New York Times*, December 9, 1923.

²⁵ W. F. McCombs, *Making Woodrow Wilson President* (1921), p. 86.

²⁶ This point was urged on behalf of St. Louis in 1924: "We are a debatable state. Our mayor is a Republican, a fine fellow, but we can and will provide a Democrat next year to take his place. We have a Republican governor in Missouri. . . . We want you to come there because we want the inspiration which will make Missouri Democratic again." *Proceedings* of the 1924 convention, p. 1135. In 1936 Senator J. H. Lewis urged on behalf of Chicago that the real fight would take place in the farming states of the West and that, winning there, the Democratic party could afford to let the Republicans have the East. *Proceedings*, pp. 385-386. On behalf of Philadelphia, Governor Earle pointed out that, while Hoover won Pennsylvania by a million votes in 1928 and by only 157,000 in 1932, Guffey carried it by 128,000 in 1934 and became the first Democratic senator in sixty-five years; and that, while the Democratic candidate for mayor of Philadelphia polled only 30,000 votes in 1930, Kelly polled 333,000 in 1935. The inspiring effect of holding the convention in that city would give the state to Roosevelt. *Proceedings* of 1936, pp. 400-402.

Reasons
for the
selection
of certain
cities

with the national committee.²⁷ For the convenience of the delegates and other visitors, who come from every corner of the country, the city should have a central location, like Chicago or Kansas City, and superior railroad connections;²⁸ numerous hotels, charging moderate rates;²⁹ and an auditorium capable of seating eleven hundred or more delegates, a like number of alternates, and 10,000 spectators.³⁰ Nor is climate a negligible factor. When the Democrats went to Houston in 1928,—with the idea of reconciling the South to a Catholic and wet candidate,—the oppressive summer climate of that city was not overlooked; indeed, some members of the national committee urged, without success, that the convention should meet earlier on that account.³¹ Finally, the character of the local press may be con-

²⁷ The arguments presented before the national committee on behalf of various cities appear in an appendix to the *Proceedings* of the Democratic conventions. For instance, 1924, pp. 1120-1167; 1936, pp. 371-417; 1940, pp. 294-322.

²⁸ In 1936 the supporters of Chicago brought a map showing the railway facilities. It was said (*Proceedings*, p. 407) that, if San Francisco or Philadelphia were selected, the delegates would pay \$50,000 more for transportation. According to the Mayor of Philadelphia, however: "I might say briefly that Philadelphia's rail, marine, and air transportation, a combination not offered by any known contender, is of the best. The time required to travel to all parts of the United States from Philadelphia is the minimum." *Proceedings*, p. 394.

²⁹ As to hotel rates an understanding of some kind is often given to the national committee. For example, Mr. Carr of Chicago declares that the hotels have agreed not to raise their rates; and Mayor Wilson of Philadelphia, that "the Hotel Men's Association is pledged to sell the delegates, the alternates, their friends and families, at a substantial reduction below the regular rates." *Proceedings* of 1936, pp. 408 and 414. Abuses have occurred, as at Baltimore in 1912 and at Chicago in 1920. "Chicago, which received a black eye through the prices charged during the last [Republican] convention, promised not to profiteer this time. Fred W. Upham, treasurer of the committee, brought with him pledges in writing that hotels would charge from \$2 a night for a bed up to \$20 for a room with bath." *New York Times*, November 16, 1923.

³⁰ The auditorium at Philadelphia, which was completed in 1931 at a cost of \$5,352,000, seats 13,500 (or 15,000 if the platform is used); at Detroit, 17,000; at San Francisco, 11,000; at Chicago, 25,000. The auditorium at Houston, which seated only 7,000, had to be enlarged for the convention of 1928. A new building seats 20,000.

³¹ *New York Times*, January 13, 1928. On behalf of San Francisco Senator McAdoo said: "It is unfortunate that we cannot air-condition Chicago and Philadelphia—I wish we could—because I might be more disposed to vote for them if we could air-condition them, but how can you do it? We do not have to air-condition San Francisco artificially, because it has already been air-conditioned by God himself." Mayor Wilson of Philadelphia observed: "Now, they talk about the climate out in California. Have you ever been out there in June? Well, I will say this, and I won't make an unsupported statement. I will

sidered.³² Possessing some or all of these attractions, the city must also, through private individuals, give a sum of \$100,000 or more to the party exchequer. This contribution serves to finance the convention itself, meet the deficit coming from the last presidential campaign, and perhaps leave a small balance with which to start the new campaign before other funds have been collected. In 1924 Cleveland paid \$125,000 for the Republican convention; New York, \$205,000 for the Democratic.³³ The Democrats had strategic reasons for choosing Houston at \$200,000 in 1928 as against San Francisco at \$250,000, with its much larger auditorium.³⁴ In 1940 Philadelphia gave the Republicans \$200,000 (in 1936 Cleveland, \$150,000); Chicago gave the Democrats \$150,000 (in 1936 Philadelphia, \$200,000 and valuable concessions).³⁵ In the latter case there was a spirited contest. Philadelphia offered the same sum; Houston, \$200,000; San Francisco, \$235,000, subject to a future legislative grant. Chicago won because of a wish to influence the doubtful West.³⁶ Why

read from the official weather reports," by which he proves the perfection of the climate in Philadelphia. *Proceedings* of 1936, pp. 375 and 395.

³² "You have heard the claims of Chicago put to you with regard to newspapers," said Governor Earle (Democratic *Proceedings* of 1936, p. 400). "Philadelphia differs from Chicago. We have in Philadelphia the greatest liberal newspaper in America—the *Philadelphia Record*. All those Chicago papers have done and will do to you is to misinterpret and twist everything that is done at the Democratic Convention." Said Arthur Krock in the *New York Times* (January 10, 1936): "The committeemen had to admit that the two colonels of The Tribune and The Daily News, plus Mr. Hearst with his Herald-Examiner and Evening American, formed a reception group for Roosevelt Democrats suggestive of the Borgia family welcoming an enemy as a dinner guest."

³³ Of this sum \$55,000 took the form of a guarantee for the sale of concessions (radio, moving pictures, etc.). Democratic *Proceedings*, pp. 1148 and 1150. San Francisco offered \$205,000 cash, Chicago \$165,000, St. Louis \$100,000. All three waived radio rights. In each case the auditorium was to be furnished free of charge.

³⁴ It was Jesse H. Jones, a wealthy citizen and active Democrat, who paid this sum, acting alone. Usually many individuals or groups contribute. "Mention has been made of money," said Mrs. Emma Guffey Miller. "I want to call your attention to this fact, that 90 percent of the money which will be offered from Philadelphia has been contributed by Republicans. My fellow Democrats, I shudder to think about what they will do with that money if we have to return it to them." *Proceedings* of 1936, p. 402.

³⁵ *New York Times*, February 17 and 5, 1940; Dem. *Proceedings*, pp. 294-322.

³⁶ Chicago, having promised \$200,000 in 1932 and failed to raise more than \$150,000, was passed by four years later, although offering a certified check for \$150,000 and pointing out that, in view of the city's central location, the delegates would save \$50,000 in railway fares. *Proceedings* of 1936, p. 383.

should the privilege of playing host to the national convention command so high a price? Why should it excite such intense rivalry among the larger cities? The convention attracts many visitors—in addition to the two thousand delegates and alternates. These spend a good deal of money and, having enjoyed themselves, perhaps return for subsequent visits.³⁷

COMPOSITION OF THE CONVENTIONS³⁸

Down to 1916 the Republican party based membership of its convention solely upon the electoral vote of the states, that is, upon the number of representatives and senators; and, although a slight change was made in 1940,³⁹ this rule has been followed by the Democratic party.⁴⁰ It contrasts with the principle applied, in most cases, to

Representation based on electoral vote of states

³⁷ After the meeting of the 1940 convention, Philadelphia officials put the expenditures of delegates and visitors at \$12,000,000. But they did not mean that even a major part of such a sum had been spent in cash. "Some of it represents orders for local factory products . . . and some of it will show up, civic boosters are confident, in various indirect ways during the coming months." *New York Times*, June 30, 1940. Direct expenditures may have reached \$6,000,000—four times the amount that Chicago expected from the short Democratic convention. *Ibid.*, July 19. On the other hand, the estimate for Cleveland in 1936 was only \$800,000. *Ibid.*, June 11, 1936. Since visitors are supposed to spend no more than \$15 a day, this looks more reasonable than the figures given for 1940. As a matter of fact, Chicago hotels lost many patrons who wished to escape the convention crowds. Moreover, says H. L. Mencken (*Making a President*, 1932, p. 15), "what really happens, nine times out of ten, is that the city gets a black eye."

³⁸ On this subject I have made some use of papers prepared in my seminar by Edgar S. Bissinger and Dr. Sooren Frankian.

³⁹ The convention of 1936 (*Proceedings*, p. 190) adopted the following resolution: "That the Democratic National Committee is hereby instructed to formulate and to recommend to the next National Convention a plan for improving the system by which delegates and alternates to Democratic National Conventions are apportioned" and "that, in formulating this plan, the National Committee shall take into account the Democratic strength within each state. . . ." For the new rule adopted in 1940, see p. 539 *infra*.

⁴⁰ The Socialist party (*Constitution*, 1940, Article VII) holds a national convention every second year, as well as on special occasions. In presidential years it consists of 250 delegates; in off years, 150. The delegates are apportioned on the basis of the average dues-paying membership over a period of twelve months and elected by a referendum vote. Formerly the delegates received from the national treasury their railroad fares (including fare for tourist sleeper) and a daily allowance of five dollars. All resolutions of the convention are subject to the referendum, which may be invoked by one-fourth of the delegates. *Constitution*, Article XII.

state and local conventions; for, in these, delegates are apportioned among the different units according to the size of the party vote.⁴¹ The rule derived a specious validity from the argument that the states should have the same weight in nominating as in electing the President. It developed naturally from the practice of early conventions, to which, owing to the difficulties of travel, many delegates came from the nearby states and few from the remote. Under these circumstances each delegation, irrespective of its size, was permitted to cast a vote equal to the electoral vote of its state. Thus, at the Baltimore convention of 1835 the 181 delegates from Maryland cast ten votes; the 108 from Virginia cast twenty-three votes; and Edward Rucker, who "happened to be in Baltimore," cast the fifteen votes of Tennessee. Not till 1848 did the Democrats fix the size of the state delegations. From that time each state has been entitled to twice as many delegates as it has senators and representatives in Congress, and no more.⁴² The national committee is left free to determine the number of delegates which shall be allotted to the District of Columbia, the territories, and the insular possessions. In 1910 the District of Columbia, Alaska, Hawaii, the Philippines, Puerto Rico, and the Canal Zone had six delegates each; the Virgin Islands, two. The total vote in the convention was 1,100. In the first Republican convention (1856) each state was entitled to six delegates-at-large and three from each congressional district,⁴³ but in the convention of 1860 to only four at large and two from each district;⁴⁴ and the party adhered to that practice for more than fifty

⁴¹ Indeed, the Republican rules require state and congressional-district conventions to be so constituted. *Proceedings* of 1940, p. 103.

⁴² Each delegate casts one vote. Before 1872 he could cast only half a vote. Occasionally, in both Democratic and Republican conventions, two rival sets of delegates are seated with half a vote each. The Democratic call of 1924 provided "that in order that opportunity may be afforded the various states to give adequate representation to women as delegates-at-large, without disturbing prevailing party custom, there may be elected from each state four delegates-at-large for each senator in Congress from each state, with one-half vote each in the National Convention." *Proceedings*, p. 5. Thirty-two states took advantage of this invitation. Virginia also sent four delegates from each congressional district. The innovation of 1924 was applied to the next four conventions. Without achieving its purpose, it led to serious abuses. Some congressional districts sent six or more delegates, one Mississippi district sending 54 (instead of 2) in 1940, with one twenty-seventh of a vote each. The convention of 1940 had 1,844 delegates, with 1,100 votes. Henceforth, by a rule of that year (*Proceedings*, p. 201), no delegate will have less than half a vote.

⁴³ *Proceedings* of the first three Republican conventions, p. 14.

⁴⁴ *Ibid.*, p. 84. But the rule was modified later on. See pp. 542-544 *infra*.

years, the number of delegates being determined by the electoral vote of the states. As to the territories the practice has fluctuated.⁴⁵ In 1912 Arizona, New Mexico, and Hawaii were allotted six delegates each; the District of Columbia, Alaska, Puerto Rico, and the Philippines, two. The total vote in the convention was 1,078. The rule adopted in 1940 allows Alaska, the District of Columbia, and Hawaii three each, with two more if the delegate elected to Congress is a Republican; Puerto Rico and the Philippines, two.⁴⁶

The plan of apportioning delegates, not on the basis of party strength as revealed by the popular vote, but on the basis of representation in Congress, has worked well enough with the Democratic party. That party, while weak in certain sections of the country and hopelessly outnumbered in certain states, may still fairly claim to be a national party. But, when the two-thirds rule was ended in 1936, the South, having lost a potential veto power, exacted a price.⁴⁷ Hereafter, every state that has gone Democratic in the preceding presidential election will receive two additional delegates at large.⁴⁸ The Republican party is, however, and always has been, a sectional party. It maintains only a precarious foothold in the ten states of the Solid South and, except in such abnormal circumstances as those of 1928, can entertain no expectation whatever of winning a single electoral vote in that region. Outside of North Carolina and, perhaps, Virginia, the party organization is dominated by federal office-holders whose chief concern is the control of federal patronage. "I am familiar with political conditions in my state," the solitary Republican congressman from Texas de-

Effect of
this prac-
tice on
Democratic
and
Republican
conventions

⁴⁵ The call ignored them till 1872, when they were allotted two delegates each. There was no settled practice till 1912.

⁴⁶ Republican. *Proceedings*, 1940, p. 102. The only change from the 1936 rule concerned the additional delegates. See *ibid.*, 1936, pp. 104-110.

⁴⁷ Pp. 585-587 *infra* and *Proceedings* of 1940, pp. 343-345.

⁴⁸ This reflected a compromise between (1) a Southern proposal, which would have given a bonus of three delegates to Democratic states and deprived of one delegate districts casting less than 15,000 Democratic votes (the proposal being reminiscent of the Republican rule of 1923, p. 544 *infra*), and (2) the actual recommendation of the national committee, which would have given a bonus of only one, deprived the Canal Zone and Virgin Islands of all delegates, and cut the other territories from six to three. *Proceedings*, 1940, pp. 341-356. The convention recommended that territorial representation should not be reduced, but instructed the national committee to examine further the whole system of apportionment. *Proceedings*, 1940, p. 201. It barred surplus delegates with fractional votes below one half.

"Hand-
picked"
Southern
delegates

clared in 1926,⁴⁹ "and I am informed that the same conditions exist in other Southern states. Patronage is the beginning and end, the alpha and omega, of political interest and activity of Republican state organizations in Texas and other Southern states. In exchange for the patronage they receive they deliver the delegate votes to Republican National Conventions. The national committeemen handle one end of the patronage-delegate exchange system and usually the postmaster general handles the other end. Party loyalty—loyalty to party principles—does not enter into the consideration of the criminal exchange in the remotest degree. It is a spoils system pure and simple, without one redeeming quality."⁵⁰ The hand-picked delegates of the Solid South, forming almost a quarter of the convention before 1916, could play a decisive part in any close contest for the presidential nomination; and no doubt they found the situation highly remunerative.⁵¹ Under the circumstances a Republican President could name his successor, as Roosevelt did in 1908,⁵² or secure the nomination for himself, as Taft did in 1912. It is significant that Mr. Coolidge, succeeding to the presidency in 1923, made C. Bascom Slessom his secretary. Slessom, who had been congressman and national committeeman from Virginia, understood the business of getting Southern delegates. In the previous year he had been exposed on the floor of the House as a trafficker in federal patronage.

Occasional
protests,
1860-1908

It was not till 1912 that the manipulation of Southern delegates involved the Republican party in disaster. But from the very beginning the danger had been foreseen. In the convention of 1860 David Wilmore of Pennsylvania challenged the seating of Southern dele-

⁴⁹ *Congressional Record*, March 3, 1926, p. 4645. In the course of his speech Representative Wurzbach intimated that the organization, not wishing to divide the patronage with anyone, sought to encompass his defeat.

⁵⁰ In the Republican convention of 1912, speaking of the party organization in Texas, a delegate said (*Proceedings*, p. 122): "Cecil Lyon has controlled for twelve years 5,000 appointments—more than any four United States senators. His will is law. Every man he recommended was appointed; and during these twelve years he has reduced the Republican vote and reduced it until last time we got about 26,000. Cecil Lyon has driven away from the Republican party five-sixths of the Republicans we had in Texas. Why does he want to do it? If he could drive away about 20,000 more we would have nothing but the office-holders, and then Cecil Lyon would have an absolute cinch on forty votes in the Republican convention."

⁵¹ As to the methods employed in getting Republican delegates from the South in 1920 see *Democratic Text Book* of that year, pp. 380 *et seq.*

⁵² According to the *Democratic Text Book* of 1912 (p. 236), the Southern delegates and alternates in 1908 included 220 federal office-holders drawing \$450,000 in salary, now mostly debarred by the Hatch Act (1939). See p. 679 *infra*.

gates. "Can it be possible," he asked,⁵³ "that those gentlemen who come from states in which there is no organized party—is it possible that they are to come here and by their votes control the action of this convention? I can see nothing better calculated to demoralize a party and to break it than just such a proceeding. . . . The true policy of the Republican party is to allow all its members to have a voice, but only in proportion to their numbers." The convention did reduce the vote of the Southern states below the figure fixed in the call, but it also tabled a resolution that instructed the national committee to apportion delegates among the states on the basis of the party vote. The question was revived in 1884. A minority report from the committee on rules proposed that each state should have four delegates-at-large, one delegate from each congressional district, and one additional district delegate for every 10,000 votes, or major fraction thereof, cast for presidential electors. Southern objections prevailed, however; and the motion to adopt the report was withdrawn.⁵⁴ Senator Quay brought forward the same proposal in the convention of 1900.⁵⁵ He presented a table, showing that the Solid South would lose ninety-three delegates and Tennessee five. This was a strategical move on his part, calculated to throw the administration forces into disarray and compel the acceptance of Theodore Roosevelt as candidate for the vice-presidency.⁵⁶ Having accomplished his purpose, he withdrew the motion. Eight years later the same proposal reappeared in a minority report from the rules committee.⁵⁷ In presenting the report James F. Burke of Pennsylvania emphasized the weakness of the Republican party in the South. He showed that, on the one hand, South Carolina had one delegate for every 136 Republican voters and Mississippi one for every 159 and that, on the other hand, Colorado had one for every 13,468 and Ohio one for every 13,046. If South Carolina was en-

⁵³ *Proceedings* of the first three Republican conventions, p. 111.

⁵⁴ Bradley of Kentucky said (*Proceedings* of 1884, p. 86): "If our representation must be cut down by the fraud and force of our enemies on the one hand, and we are to be disfranchised by our friends on the other, then, I say, God pity the downtrodden and suffering Republicans of the South."

⁵⁵ *Proceedings*, pp. 95-103. Under the plan of 1884 the territories were to have two delegates each; under Quay's plan, six.

⁵⁶ H. F. Gosnell, *Boss Platt and His New York Machine*, pp. 121-122; Platt's *Autobiography*, pp. 386-387.

⁵⁷ E. M. Gibson, *History of the Republican Party and the National Convention of 1908*, pp. 218-225. On this occasion four delegates were allotted to each territory, and two each to Alaska, the District of Columbia, Puerto Rico, and the Philippines.

titled to 18 delegates, he contended, then Ohio should have 540 and Pennsylvania 650. The argument almost prevailed. The vote upon the resolution was 506 to 471. Had it not been for fear of incurring the resentment of the Northern Negroes and driving them out of the party, the reform would have carried.⁵⁸

New rule
of apportionment,
1913

The events of 1912—the charges of fraud in the convention, the withdrawal of the Roosevelt delegates, the disruption of the party—now made reform imperative. The national committee was, however, in a difficult position. It had received from the convention of 1912 no authority to change the rule of apportionment; and, in view of the distracted condition of the party, it opposed the calling of a special convention. At last, in December, 1913, it drew up a plan and referred it to state conventions, with the understanding that the new plan would become effective if ratified, before the close of the next year, by states casting a majority of the electoral vote.⁵⁹ Ratification was secured. Henceforth each state was to have four delegates-at-large, one delegate from each congressional district, and one additional delegate from any district in which 7,500 Republican votes were cast for presidential elector or, in an off year, congressman.⁶⁰ Under this rule the Solid South and Tennessee lost 78 delegates in 1916 and seven more in 1920. The only other states affected were Massachusetts, which lost one delegate in 1920, and New York, which lost three delegates in 1916 and gained one in 1920. But still more drastic changes were foreshadowed on the last day of the 1920 convention when the following resolution was adopted: ⁶¹ "Resolved, that in order to effect proper and necessary changes in the present apportionment of delegates in proportion to the Republican vote actually cast at general elections throughout the various states of the Union, and in order to inspire a greater effort to erect and maintain substantial party organizations in all the states, the National Committee, notwithstanding any rule heretofore adopted, is hereby authorized and directed within twelve months from the date of the adjournment of this convention to adopt a just and equitable basis of representation in future national conventions, which basis shall be set forth in the call for the next

⁵⁸ In 1912, after the withdrawal of many Roosevelt delegates, the convention tabled a resolution providing for the same plan of apportionment. *Proceedings*, p. 339.

⁵⁹ *New York Times*, December 18, 1913.

⁶⁰ For the convention of 1920 the presidential election of 1916 and the congressional election of 1918 were used for computing the Republican vote.

⁶¹ *Proceedings*, p. 233.

convention and be binding upon the same and all other future conventions until otherwise ordered."

The national committee formulated the new rule within the specified time.⁶² Henceforth the national convention was to consist of: (1) four delegates-at-large from each state; (2) two additional delegates-at-large from each state casting a Republican electoral vote; (3) one delegate from each congressional district maintaining a party organization and casting 2,500 votes for any Republican elector or Republican candidate for Congress; (4) one additional delegate from each district casting 10,000 votes; (5) and two delegates each from Alaska, the District of Columbia, Hawaii, Puerto Rico, and the Philippines. Under this rule 1,036 delegates would sit in the convention of 1924, or 52 more than sat in 1920. Five of the Southern states would lose an aggregate of 32 votes as compared with the arrangements of 1920, while Florida would gain two and Virginia one. But the rule did not go into effect. The national committee seems to have been seized with a panic when it met to issue the call for the 1924 convention. Various influences suggested the advisability of reopening the question of apportionment—among them the restlessness of Negro voters in pivotal states of the North, where they were supposed to hold the balance of power in a close election. "It was the threat of revolt in the North that largely influenced the party leaders to restore the South's representation," according to the *New York Times*.⁶³ The leaders held a hurried midnight conference and, defying the mandatory injunction of 1920, decided to rescind the action that had been taken in conformity with it.

Further
changes in
1921 and
1923

⁶² *New York Times*, June 9 and 10 and September 15, 1921.

⁶³ December 13, 1923. The *Detroit Free Press* said: "When the body first convened it appeared to have no thought of doing what it has done. Indeed, it turned down coldly the first attempts of the representatives from the rotten borough districts to get the subject before the meeting. But finally Harmon L. Remmel, national committeeman from Arkansas, remarked pointedly that the negroes hold the balance of power in Missouri, Illinois, and Indiana, and are an important factor in Pennsylvania and New York City, and he observed that, if he were a negro, he would desert the Republican party in case he were treated as under the new rule. Mr. Remmel's remarks seem to have frightened the spineless committee out of all consideration of what is fair, and decent, and equitable. The members promptly yielded to intimidation and knuckled under." Quoted in *Literary Digest*, January 5, 1924. Probably the chief reason for this action was the anxiety of the Coolidge managers to increase the number of Southern delegates as a means of ensuring control over the 1924 convention.

The existing arrangement: 1923 and 1940

The rule of apportionment adopted next day differed from the rule of 1921, first, in the fact that every congressional district was allotted one delegate without regard to the size of the Republican vote—this being a generous concession to the South; and, second, in the fact that every Republican state—every state, that is, which cast its electoral vote for the Republican presidential candidate—was allotted three additional delegates-at-large instead of two.⁶⁴ Under this rule the Solid South lost 75 seats; Tennessee, 4; New York, 2; in five states not one district qualified for a second delegate. There was criticism; but later not a word of complaint was uttered at Cleveland against the action of the committee in ignoring its instructions and exceeding its authority. Without debate the new rule was accepted.⁶⁵ Further changes were made in 1940.⁶⁶ The three additional delegates at large are to be assigned if the state has gone Republican in the last presidential election *or* if it has subsequently elected a Republican senator. A congressional district will have one delegate if 1,000 Republican votes have been cast in the presidential or the next congressional election; two delegates if the number reaches 10,000.

HOW DELEGATES ARE CHOSEN

Choice of delegates:
(1) Democratic practice

Before the advent of the direct primary, delegates were chosen by conventions or committees, and still are in three-fourths of the states.⁶⁷ The Democratic national convention, conforming to the cherished principle of states' rights, has never but once prescribed the manner in which delegates shall be chosen. The sole exception occurred in 1912. In that year, as already observed, it was provided that all delegates to the next convention should be elected directly, according to state law, where such law existed, and otherwise by party rule. This requirement had no practical effect, however. In the call of 1916 the committee contented itself with a mere pious mention of the pledge. On every other occasion the call has gone

⁶⁴ *Proceedings* of 1924, p. 11.

⁶⁵ *Proceedings*, p. 90.

⁶⁶ *Proceedings*, pp. 102-103.

⁶⁷ In thirteen states, as will be explained in detail, mandatory laws require the election of delegates at the primary—except for delegates at large in Illinois and New York. In four other states—Alabama, Florida, Georgia, and Michigan—the state central committee of each party decides whether or not the delegates shall be elected directly. Maryland has a preferential primary; but the delegates are chosen by convention. So has Arkansas, where the state committee appoints the delegates; but the law of 1939 appears to be unworkable.

no farther than to fix the number of delegates to which each state and territory is entitled. In the absence of state law the delegates have actually been chosen in three different ways: first, all at large by the state convention; second, four at large by the state convention and two for each congressional district by the state convention on the nomination of the delegates from each district; third, four at large by the state convention and two for each district by district conventions.

For the first thirty years the Republican party followed no settled practice.⁹⁸ The calls of 1856 and 1860 distinguished between delegates-at-large and district delegates, without prescribing the method of choice. The distinction does not appear again for twenty years. "Each state having a representation in Congress," says the call of 1864, "will be entitled to as many delegates as shall be equal to twice the number of electors to which such state is entitled in the Electoral College of the United States." In 1880 the national committee recurred to the language of 1860: each state was to have four delegates-at-large and two delegates from each congressional district; each territory and the District of Columbia, two delegates. Many contests for seats occurred that year; debates upon the report of the credentials committee are spread through nearly a hundred pages of the convention proceedings. In Illinois the state convention had elected all the delegates to which the state was entitled; and the delegates to that convention from each congressional district, caucusing separately, had also elected district delegates. There were thus two competing sets of district delegates. What did the call mean by "district delegates"? Residents of the district, however chosen? Or delegates chosen by district conventions? The decision was given against the right of the state convention to name district delegates. In conformity with this decision the call of 1884 provided that "the Republicans of the various congressional districts shall have the option of electing their delegates at separate popular delegate conventions, called on similar notice [20 days], and held in the congressional districts at any time within the fifteen days next prior to the meeting of the state convention, or by subdivisions of the state convention into district conventions; and such delegates shall be chosen by the latter method if not elected previous to the meeting of the state convention." This was the first Republican call

(2) Republican practice

⁹⁸ The statements here are based on the *Proceedings* of successive conventions. See also G. S. P. Kleeberg, *The Formation of the Republican Party as a National Political Organization* (1911).

which laid down, in specific language, the manner of choosing delegates. The convention of 1884 introduced a further change. It provided that district delegates must be chosen in the same manner in which candidates for the House of Representatives were nominated. From that time delegates-at-large were elected by state conventions; district delegates, by district conventions.

Modified
after
crisis of
1912

This practice stood for a quarter of a century. Then, in 1912, confronted with presidential primary laws in a number of states, the national committee permitted a modification. It provided in the call of 1912 "that delegates and alternates, both from the State at large and from each Congressional District may be elected in conformity with the laws of the State in which the election occurs if the State Committee or any such Congressional Committee so direct"; but "that in no State shall an election be so held as to prevent the delegates from any Congressional District and their alternates from being selected by the Republican electors of that District." Notwithstanding the limitation in the second clause, California elected all her delegates on a general ticket. There was a conflict between state law and party rule. The convention upheld the party rule. Refusing to be bound by the certificates of the election, it examined the vote in each congressional district and seated two Taft delegates who had received more votes than the Roosevelt delegates in the fourth district. Undoubtedly the convention acted within its rights; but its action, affronting state pride, was profoundly impolitic. Good sense dictated a change in the party rule. The convention of 1912 authorized the national committee to make it.⁶⁹ The call of 1916 and every subsequent call has provided that "all delegates from any state may be chosen from the state at large, in the event that the laws of the state in which the election occurs so provide."⁷⁰

THE PRESIDENTIAL PRIMARY ⁷¹

The presidential primary is an offspring of the direct primary. It may assume several distinct forms; that is, the law may provide for: (1) the direct election of unpledged delegates to the national con-

⁶⁹ The following resolution was adopted (*Proceedings*, p. 338): "Delegates to the national convention shall be chosen in such manner as the national committee shall provide."

⁷⁰ See *Proceedings* of the Republican convention of 1940, p. 104.

⁷¹ Louise Overacker, *The Presidential Primary* (1926). In the years since Miss Overacker wrote a great many changes have been made in state laws. Even so, the book remains indispensable.

vention, as in New York; or (2) the direct election of delegates who may be pledged to support a particular presidential aspirant, as in South Dakota; or (3) a popular expression of preference for a presidential candidate, as in Maryland; or (4) a combination of the first and third plans, as in West Virginia; or (5) a combination of the second and third plans, as in Oregon. Except in the first case the term presidential preference primary is often used. Behind the new device, twenty-five years ago, lay the force of democratic aspirations, crude but vastly impressive—the will of the masses to take over the management of their own affairs and purify government with the magic of their own virtue. Intermediaries were to be thrust aside. If the national convention could not be scrapped like the state convention, at least its freedom of action could be curtailed and its functions reduced to those of a registering machine. The presidential primary represented an attempt to short-circuit an elaborate system of wiring and to deliver the full load of the current—the full force of the popular will—without the fatal leakages that had occurred along the old defective lines of transmission. It was intended to leave the national convention as little discretion in nominating the presidential candidate as the electoral college has in electing him.

The movement began in Wisconsin, where a law of 1905 required the direct election of delegates at the primary. South Dakota followed suit four years later. Meanwhile the Pennsylvania law of 1906, providing for the direct election of district delegates, had introduced a new feature. Those seeking election as delegates were permitted to state on the primary ballot their choice for the presidential nomination; and the voters could, under this arrangement, express their own preference and at the same time send to the convention delegates who were bound to respect it. The Pennsylvania law did not attract the attention that it deserved; for, owing to the absence of any factional cleavage in the major parties, there was no occasion for a preference vote in 1908. Indeed, the credit of originating the preferential primary is sometimes given to Oregon. There the progressive wing of the Republican party, led by Senator Bourne and by W. S. U'Ren of the People's Power League, had fathered a series of radical measures known collectively as "the Oregon System." In 1911 a presidential preference primary law was enacted. It provides: (1) that upon his written request ⁷² any candi-

Develop-
ment of
the presi-
dential
primary

⁷² Which now must be supported by a declaration from the state chairman and secretary of his party to the effect that his candidacy has general support

date for the presidential or vice-presidential nomination can have his name printed upon the primary ballot; and (2) that every candidate for election as delegate *must* undertake to use his best efforts to bring about the nomination of the persons receiving the highest preference vote and that he *may* also state upon the primary ballot in twelve words the candidates or principles in which he believes. The Oregon voter, therefore, not only expresses his preference, but also votes for delegates who are pledged—perhaps doubly pledged—to support that preference. The Oregon plan spread to other states, sometimes undergoing important modifications. California, Nebraska, New Jersey, North Dakota, South Dakota, and Wisconsin adopted it in 1911; other states in 1912, 1913, and 1915. By the close of 1915 twenty-four states had some form of the presidential primary. Then the movement stopped.⁷³ In fact, eight states repealed their laws;⁷⁴ and the Texas law was declared unconstitutional on the ground that the expenses of the presidential primary were not incurred “for a public purpose.”⁷⁵

Its various
forms

To-day the presidential primary survives in nineteen states. The laws of Alabama, Florida, Georgia and Michigan are optional, re-

in the country. But these requirements are waived if 1,000 voters of his party present a petition.

⁷³ The only states that enacted presidential primary laws after 1915 were Alabama (1923) and Arkansas (1939). The former law, being declared unconstitutional in an opinion of the attorney-general, was never put into operation; but since 1931, the state executive committee has had the power to decide what party officers (including delegates) shall be elected at the primary. The latter provides for a preferential vote; the state committee appoints the delegates.

⁷⁴ Iowa and Minnesota in 1917, Vermont in 1921, Montana in 1924, North Carolina in 1927, Indiana in 1929, Michigan in 1931, and North Dakota in 1935. Michigan substituted a provision that allows the state central committee to determine whether the delegates shall be elected at the primary or by conventions. The original law, while leaving the choice of delegates to conventions, provided for a popular preferential vote for presidential nominee.

⁷⁵ The supreme court of Texas held (*Waples v. Marrast*, 108 Texas 5, 1916) that the state has no power to appropriate money for those things which, “either by common usage or because they are in no proper sense the instruments of government, it is the duty of the people to provide for themselves. . . . A political party is nothing more or less than a body of men associated for the purpose of furnishing and maintaining the prevalence of certain political principles or beliefs in the public policies of the government. . . . They perform no governmental function. They constitute no governmental agency. The taxing power of the state cannot be used in aid of any political party or to promote the purposes of all political parties. . . . If it is constitutional to use the public revenues to pay the cost of their primary elections, it would likewise be constitutional to pay the cost of their candidates’ campaigns.”

sort to the primary taking place when the state committee of a party so orders.⁷⁶ The mandatory laws of the remaining fourteen states differ so widely in their detailed arrangements that they can be classified only in respect to fundamental characteristics. From this standpoint they fall into five main categories. *First, no preference vote, but direct election of unpledged delegates:* New York is the only state; and by amendments of 1921 and 1927 the delegates-at-large are now chosen by the state convention or the state committee, as the former may direct. The district delegates are unpledged in the sense that they cannot indicate their personal preferences on the ballot, after the manner of the Pennsylvania law of 1906. *Second, no preference vote, but direct election of delegates who may be pledged:* California, Massachusetts, New Hampshire, and South Dakota. In California and South Dakota all delegates are elected at large. The law of California was changed in 1941. Henceforth the groups of candidates for election as delegates will not appear upon the ballot, but that group will be elected whose preference for the presidential nomination or for an uninstructed delegation gets the highest vote. The Massachusetts law also permits the grouping of pledged candidates for delegate-at-large and district delegate. In New Hampshire the law merely provides that the candidate may have placed after his name the words: "Pledged to vote for the nomination of — for President." These four states have the most effective form of the presidential primary; for the delegates have given a personal undertaking and are morally bound to abide by it in the convention. *Third, preference vote, but election of delegates by convention:* This plan is confined to Maryland and Arkansas, three states having repealed their laws. In Maryland the voters may indicate at the primary their preference for a particular presidential aspirant (if any such has filed a certificate of candidacy) or for an uninstructed delegation. Delegates to the state convention are bound to support the preference of the county which they represent.⁷⁷ If the state

⁷⁶ As to Alabama see notes 9, 10, and 73 above. In Florida the state executive committee may require not only the election of delegates, but also a preferential vote for presidential and vice-presidential candidates; in Michigan, only the first. These are legal arrangements. In Georgia, notwithstanding the silence of the law, the party can make similar dispositions; conducting and paying for the primary, it needs no positive warrant.

⁷⁷ As long as they believe, "in their conscientious judgment," that a majority may be obtained *and* as long as the delegates from any nine counties vote the same way.

convention, acting upon the preference vote in the counties, cannot reach a decision, then it "may instruct the delegates sent by it to the National convention for such candidates for President as it may see fit, or it may send an uninstructed delegation." *Fourth, preference vote and direct election of unpledged delegates:* Illinois (where the delegates-at-large are chosen by the state convention), Nebraska, Pennsylvania, and West Virginia. *Fifth, preference vote and direct election of delegates who may be pledged:* New Jersey, Ohio, Oregon, and Wisconsin. In this case the voter may express a preference twice: once directly, when he votes for a presidential nominee; and a second time indirectly, when he votes for a pledged delegate. In three of these state candidates for election as delegates *may* indicate on the ballot their choice for the presidential nomination. In Ohio they *must* indicate both a first and second choice.⁷⁸

Preference
vote: its
effect on
delegates

This question should be asked: What is the force of the preferential vote? How far is it binding upon the delegates or likely to influence their conduct in the national convention? (1) On this point the law is silent in Nebraska, New Jersey, and Wisconsin; in Illinois it says that the vote, being merely advisory, "shall be for the sole purpose of securing an expression of the sentiment of the party voters." (2) Ohio, Pennsylvania, and West Virginia take a more positive position. There candidates for election as delegates *may* undertake to support the popular choice—to the best of their judgment and ability in Ohio, by the use of all honorable means within their power in Pennsylvania. (3) Finally, in Maryland and Oregon they *must* undertake to do so, but the nature of the requirement does not seriously impair their freedom.⁷⁹ Confusion may arise in the four states which combine a preference vote with a personal pledge on the part of the delegate. It sometimes happens that delegates are elected whose personal pledges, though stated on the ballot, are at variance with the preference vote. Miss Overacker cites the cases of several Illinois, New Jersey, and Ohio congressional districts in 1920.⁸⁰ That same year Harding won the preference

⁷⁸ A dubious requirement since no preference can be expressed without written consent of the candidate for presidential nomination.

⁷⁹ In Maryland the delegates must support the aspirant as long as they believe that there is a possibility of his nomination; in Oregon they must use their "best efforts." Under laws that have been repealed, delegates from South Dakota were bound for three ballots; delegates from Indiana, as long as the candidate's name was before the convention. Overacker, *op. cit.*, pp. 37 *et seq.*

⁸⁰ *Op. cit.*, p. 74. In Oregon, where the district delegates are bound by the state-wide preference, this contradiction is peculiarly liable to appear.

vote of Ohio, but lost one of the delegates-at-large. In 1912, before Massachusetts had abandoned the Oregon plan, Taft won the preference vote of that state and Roosevelt the eight delegates-at-large.⁸¹ Experience has shown that, when the preference has been clearly expressed and obviously reflects the sentiment of the party electorate, the delegates, drawing strength from the consciousness of popular support, are disposed to act in conformity with it, even though the law does not require them to do so. But frequently the preference vote is robbed of all significance because the names of the outstanding presidential aspirants do not appear on the ballot. In 1920, as already noted, Republicans of Pennsylvania gave 257,841 votes to Edward Randolph Wood. His name, being the only one printed on the ballot, was obviously mistaken for—and possibly intended to be mistaken for—the name of Leonard Wood. The Pennsylvania delegation to the Republican national convention could hardly be expected to accept this singular manifestation of the popular will.

From 1916 to 1928, inclusive, the delegates who had been instructed by a preferential vote or directly elected at the primary constituted a majority of the national convention.⁸² Yet on no occasion did they exert, because of the presidential primary, a determining influence over the nomination. They came near to doing so in 1912. Roosevelt's preponderance in the presidential primary states, then only twelve in number, at least made it clear that he had much more than half of the rank and file of the party behind him and that the nomination of Taft would be bitterly resented.⁸³ The Democratic convention, hesitating between Wilson and Clark, reflected the uncertain verdict of the Democratic primaries. The preference vote had placed these two in the lead without giving either a de-

Its failure
to control
the con-
vention

⁸¹ This occurred in part because there were nine Taft candidates for eight places and a good many voters spoiled their ballots by voting for all nine.

⁸² The figures given by Miss Overacker (*The Presidential Primary*, 1926, p. 165) are as follows: (1) *Republican*: 1912, 450 of 1,078; 1916, 618 of 987; 1920, 569 of 984; 1924, 616 of 1,109. (2) *Democratic*: 1912, 360 of 1,088; 1916, 624 of 1,092; 1920, 574 of 1,094; 1924, 566 of 1,093. In 1928 the figures were: Republican, 616 of 1,089; Democratic, 594 of 1,100. But in 1932, 1936, and 1940 such delegates constituted less than half the personnel of the party conventions. For the Republicans the figures were: 466 of 1,003 delegates in 1936; 464 of 1,000 delegates in 1940. The proportions were approximately the same in the Democratic conventions.

⁸³ Roosevelt, with a popular vote of 998,956, obtained 282 delegates; Taft, with a popular vote of 647,964, obtained 132.

cided advantage.⁸⁴ In 1916 there was no opposition to Wilson in the Democratic party; with or without the presidential primary he was certain of the nomination. On the Republican side Hughes and Roosevelt, between whom the real issue lay, would not permit the use of their names in the primary. The question arises whether, in spite of their objections, the voters should have been permitted to register a preference for one or the other. The question cannot easily be answered. If the name of a leading aspirant is withheld simply with the object of placating a "favorite son" and of securing the support of the delegation from his state after the first few ballots, the presidential primary becomes a farce. On the other hand, liberty to place any name upon the ballot might lead to serious abuses: several prominent politicians of similar views might be brought forward without their own consent in order to split the majority vote.⁸⁵ In 1920 the Democratic primaries gave no indication whatever of the popular sentiment: Cox, running only in Ohio, secured forty-eight delegates; and McAdoo, running in three states, secured ten. Cox was nominated. The contest in the Republican primaries gave Hiram Johnson 965,651 popular votes and 141 delegates; Wood, 710,863 popular votes and 108 delegates.⁸⁶ Yet the nomination went to Harding, who presented himself in only three states and carried only his home state, Ohio, and that by a slender margin. In 1924 the Democrats nominated Davis, although he did not enter the primaries.⁸⁷ It was not his preference vote, impressive though that was,⁸⁸ that gave Coolidge the Republican nomination. He was no stronger in the presidential-primary states than elsewhere. The behavior of later conventions (1928, 1932, 1936, 1940) was not determined by the presidential primary. On no occasion did the successful candidate show greater strength in the popular vote than in

⁸⁴ Wilson obtained a somewhat larger vote, Clark a somewhat larger number of delegates.

⁸⁵ The laws of Illinois, Maryland, Ohio, Oregon, and West Virginia require the written consent of the candidate; consent is not required in Nebraska, New Jersey, Pennsylvania, and Wisconsin. As to the four states, which, instead of holding a preferential vote, permit the election of pledged delegates, the consent of the candidate is required in California, Massachusetts, and South Dakota, but not in New Hampshire. On the question of consent see Louise Overacker, *op. cit.*, pp. 37 *et seq.*

⁸⁶ Lowden, 389,127 votes and 41 delegates; Harding, 144,762 votes and 39 of the 48 Ohio delegates.

⁸⁷ McAdoo obtained 456,000 votes and 194 delegates.

⁸⁸ Coolidge, 2,410,363 votes and 572 delegates; Johnson 1,007,833 votes and 10 delegates; La Follette 82,429 votes and 34 delegates.

state and district conventions. Six out of eight times he was chosen on the first ballot. Roosevelt (1932) furnished one exception. On the first ballot he was supported by 57 per cent of the delegates, but only 43 per cent of those from presidential-primary states. Such states gave Willkie (1940) 38 of his 105 first-ballot votes.

That the presidential primary has not been a controlling factor is due in part, but only in part, to the fact that it is confined to eighteen states. Roosevelt would have had the Republican nomination in 1912, perhaps McAdoo would have had the Democratic nomination in 1924, if the voters of all the states had been consulted. But in most cases the results would have remained inconclusive. States would have voted for favorite sons or unpledged delegations; aspirants hesitate to offer themselves in states where the chances of winning are doubtful or where their candidature would give offence to local politicians. No doubt, a national law, requiring nation-wide candidatures, would meet this difficulty. But the amendment of the federal constitution, which many people regard as an essential preliminary to such legislation, is out of the question at this time. Not only has opinion, reacting against that aspect of the New Deal, begun to doubt the advisability of any further enlargement of federal power at the expense of the states; there is also a growing dissatisfaction with the direct primary and, still more, with the presidential primary. The campaign provokes personal and factional rancor within the party. It is exhausting to the candidates and the electorate alike. It involves enormous expenditures on behalf of the candidates for nomination. In the Republican preconvention campaign of 1920 Wood spent \$1,773,303; Lowden \$414,984; Johnson, \$194,393; Hoover, \$173,542; and Harding, \$113,109.⁸⁹ Wood's fund was larger by \$450,000 than the national campaign fund of the Democratic party in that year.⁹⁰ The expenditures in 1928 were much smaller, a total of less than \$900,000

Reasons
for its
failure

⁸⁹ *Senate Report No. 823*, 66th Congress, 3rd session. But (Overacker, p. 154) "unquestionably more money was spent on behalf of many of these candidates than is indicated by these tables."

⁹⁰ It is sometimes said that in the wicked days before the presidential primary existed still more lavish sums were spent corruptly and secretly. But there is no evidence to support this assumption; the known facts seem to contradict it. According to Herbert Croly, for example, McKinley's nomination in 1896 cost little more than \$100,000. "One hundred thousand dollars and more," he observes (*Marcus Alonzo Hanna*, p. 183), "is a good deal of money; but it is not too much for the legitimate expenses of nominating a man for President under the convention system."

for all aspirants—Hoover, \$395,254; Smith, \$152,622.⁹¹ Let it be granted that the money is devoted to legitimate objects, to making the personality and policies of the candidates known. The voters do not respond. The presidential primary attracts even less interest than the state primary.⁹² On the whole the revealed defects of the presidential primary seem to outweigh its possible advantages under the provisions of a national law.

⁹¹ *Senate Report no. 1480*, 70th Congress, second session. Other considerable outlays were. Lowden, \$84,415; Willis, \$66,534; Reed, \$52,982; Watson, \$36,472.

⁹² See the tables in Overacker, *op. cit.*, pp. 244-259.

Chapter XXI

THE NATIONAL CONVENTION: PROCEEDINGS

"A few days before the opening of the convention," says Ostro-
gorski,¹—and his vivid picture is characterized at once by fidelity to
detail and appreciation of essential values,—"the city in which it is to
be held assumes a special aspect, 'a convention aspect'; the streets,
adorned with a profusion of flags and bunting flying over the cross-
ings, the hotels inhabited by the delegations, and other political
'head-quarters,' are thronged by a huge crowd, 'a convention
crowd'; favored by 'convention weather,' it makes a continuous
hub-bub, 'a convention stir,' from morning till evening, and even
later. The whole town is swamped with 'enthusiasm,' 'convention
enthusiasm,' or, if the expression be preferred, 'pre-convention en-
thusiasm.' The arrival of the delegations provokes the first outbursts
of it. Each state delegation arrives in a body, accompanied by a
more or less considerable number of fellow-citizens of their native
State, who escort their delegates. . . . At the station a solemn re-
ception awaits the delegation. Zealous political co-religionists formed
into clubs for the duration of the campaign, or delegations which
have already arrived, go to meet the new delegation and welcome
it with harangues and applause reëchoed by the shouts of the as-
sembled crowd. Then the whole company walks in a procession to
the hotel in which the delegation has engaged rooms. To the sound
of drums and fifes, in the midst of a frenzied crowd, the new ar-
rivals march past, adorned with badges, medals, and ribbons bearing
the name of their State, all wearing, perhaps, a special costume,
which consists, for instance, of white hats, 'liners' trimmed with
silver lace, and carrying yellow walking-sticks. The delegation is
preceded by its banner, and perhaps it displays yet another emblem,
such as a gilt alligator, or even a live eagle which has come all the
way from the Rocky Mountains."

Arrival of
delegates

¹ *Democracy and the Organization of Political Parties* (2 vols., 1902), Vol. II, pp. 248 *et seq.* This remarkable work appeared more than a generation ago. In the interval, of course, political customs have undergone some modification.

Preliminary activities

The various state headquarters become the scene of feverish activity. On behalf of the presidential aspirants every sort of influence is brought to bear, every artifice employed. The atmosphere is one of furtive negotiation and backstairs intrigue. "After having discreetly reconnoitred the hostile and rival positions," says Ostrogorski,² "the managers of each aspirant direct their attacks toward the weaker points, in order to capture as many delegations as possible. They endeavour to spread abroad the impression that their client is most likely to obtain a majority; that it is, consequently, good policy to join him instead of persisting in the support of an aspirant doomed to defeat. They quote, with some stretch of their imagination, the delegations which have 'mentioned' or even 'endorsed' their aspirant; they have on their office table ready-made lists, copies of which they eagerly distribute, and which show, State by State, the exact total of the votes which he will poll at the first ballot,—a total which is always exaggerated. A few members of the delegation are detached as 'missionaries,' and visit the headquarters to make prose-

² *Op. cit.*, pp. 254-255. Of course, the scene is somewhat different when the party, being in power, intends to endorse the conduct of the administration and give the President another term. Sometimes sound strategy demands the renomination of an unpopular President. In such cases the delegates are apathetic, incapable of being stimulated into a prolonged appearance of enthusiasm. When Senator Dickinson delivered the keynote speech at the Republican convention of 1932, the first mention of President Hoover's name brought scattered and by no means boisterous applause of less than a minute's duration. Now and then there was some perfunctory hand-clapping. Next day the delegates paraded round the hall. "You've heard of sham battles where they imitate a battle," Will Rogers observed. "Well, this was a parade where they imitated a parade. . . . They are trading box seats at this show for standing room at the Democrats." *New York Times*, June 15 and 16, 1932.—Arthur Krock, a well-known commentator on party affairs, finds a good deal of difference between Democratic and Republican conventions (*New York Times Magazine*, June 12, 1932: "Democrats are excitable, difficult to lead, idealistic and reckless when in convention assembled. History demonstrates that they would rather fight among themselves than with the enemy. When Republican delegations are released from their home instructions, they go to their bosses. When Democratic delegations are released, they go to pieces. There have been some hard campaigns in this country between the two major parties. But none of them, for intentional lethal exchange, for the wish of one candidate and his supporters to injure another candidate and his, could compare with the Madison Square Garden brawl of 1924." There is, Mr. Krock adds, a psychological gulf between the two assemblages. "So definite it is that probably any seasoned political writer could quickly tell, if he were seized by a djinn and placed in a convention hall, whether the delegates were Democratic or Republican.")

lytes; they ask to be heard by the delegations, and, in more or less closely reasoned speeches, they plead the cause of their candidate before one delegation after another, and perhaps prove the weakness of his competitors. They are received courteously and listened to attentively; but a straightforward answer is seldom given them. Everybody is on his guard; the ground on which one treads is full of pitfalls. Everything depends upon the combinations which are being formed elsewhere, and you never know exactly what to believe; sinister rumours are continually circulating; at one time you are told that the adherents of the presidential aspirant A and those of B have combined, and that creates a new situation, the surface of the electoral chess-board is radically changed thereby; at another time comes the grave news that a 'break' has taken place in the delegations of this or that State; they can no longer be depended on. Each moment brings a fresh element of anxiety; you live in a state of perpetual apprehension."

At last the delegates and alternates assemble in the vast auditorium, a considerable portion of them nowadays being women.³ Each delegation occupies a block of seats set apart for it and labelled prominently with the name of the state. Noisy demonstrations from the crowded galleries greet the appearance of well-known politicians and give some foretaste of the pandemonium that will break loose at later stages of the proceedings. The audience of more than 10,000 is tense with anticipation; it has come in the hope of diversion and excitement; and, as the delegates proceed with their three-fold task of adopting the platform, nominating the candidates, and electing a national committee, their behavior is profoundly affected by an environment that is incompatible with calm delibera-

Duration
of the con-
vention

³ The number of women has declined considerably since 1924. In 1940 the figures were: Democratic convention, 209 of 1,844 delegates or 11 per cent, and 369 of 1,410 alternates or 26 per cent; Republican convention, 78 of 1,000 delegates or 7.8 per cent, and 226 of 999 alternates or 22.6 per cent. The Democratic percentage should have been higher; for the Call permitted each state to have eight delegates at large, with half a vote each, and recommended that half of the eight should be women. At the same time the Call limited the states to a quota of two delegates from each congressional district. But, as in 1936, the quota was frequently exceeded. Texas, with 46 votes, sent 132 delegates; Mississippi, 54 from one district. So flagrant had the abuse become that a rule was adopted (1940) under which no delegate with less than half a vote will be seated. As to the four committees (credentials, rules, permanent organization, platform) the percentage of women was 7.9 for the Democrats and 5 for the Republicans. Under a Democratic rule of 1940 the platform committee will be doubled in size, half the members being women.

tion. Sometimes, of course, dramatic incidents are wanting. Harmony prevails. The delegates meet only for the purpose of endorsing the President and his policies. In three days the Republican convention of 1924, dominated by Coolidge, had finished its business and adjourned. On the other hand, controversy over the platform and a prolonged deadlock over the presidential nomination kept the Democratic convention in session for fourteen days.⁴ During the second week many of the delegates left for their homes.⁵ They had not provided themselves with funds for such an extended sojourn. The Baltimore convention, twelve years earlier, lasted only seven days; and yet we are told that the delegates, unable to pay their hotel bills, threatened to leave. "Managers for all the candidates," says William F. McCombs,⁶ "had to put up large sums of money to hold proprietors of votes in Baltimore for at least another twenty-four or forty-eight hours. They turned their pockets inside out and borrowed right and left to satisfy the demands of the sleepy, hungry delegates."

Keynote
speech and
appoint-
ment of
committees

The convention transacts its preliminary business under a temporary chairman. He delivers a "keynote" speech, always long and usually flamboyant,⁷ in which, reviewing the political situation, he exposes the weaknesses of the enemy, summons the party hosts to battle, and does his best to silence discords. His position is of no particular importance. Nominated by the national committee, he is elected by acclamation. There have been occasions, however,—twice in each party,—when rival factions have measured their strength in the election of the temporary chairman. The Republican convention of 1884 and the Democratic convention of 1896 rejected the candidate of the national committee.^{7a} In 1912 the committee was sustained

⁴ Not counting two Sundays, over which it adjourned.

⁵ On July 9, the day the convention adjourned, the *New York Times* said: "It was evident yesterday that if the convention should last a few more days there would not be much more than a quorum of delegates left in New York, according to many heads of delegations. Scores of men and women who came to New York expecting the proceedings to last not more than a week have already left for their homes, and hundreds of others were threatening yesterday to follow. As a matter of fact, delegates have been leaving for a week past."

⁶ *Making Woodrow Wilson President* (1921), p. 169.

⁷ Verbosity has increased. Wilmot spoke for five minutes in 1860; Steiwer, for 140 in 1936.

^{7a} In 1884 the supporters of President Arthur, nominating a colored delegate, defeated General Powell Clayton, a Blaine man, though Blaine was finally nominated. In 1896 the free-silver delegates defeated Senator Hill of New

by the conventions of both parties, Root beating McGovern by 558 votes to 501 and Parker beating Bryan by 579 to 510. The victory of Senator Root foreshadowed the nomination of Taft and the disruption of the Republican party; but Bryan, returning to the attack after this initial defeat, dominated the Democratic convention and guided its choice. Soon after the conclusion of the keynote speech four committees are elected—these being composed alike of one member from each state and territorial delegation:⁸ (1) the committee on credentials, (2) the committee on permanent organization, (3) the committee on rules and order of business, and (4) the committee on platform and resolutions. These committees report to the convention in the order given. The only exception to this practice occurs when, in view of the number of contests for seats in the convention, the report of the committee on credentials is delayed unduly. In such a case—according to Republican, but not Democratic, practice⁹—the election of permanent officers takes precedence. The

York, thus indicating that they would permit no compromise on the subject of bimetallism.

⁸ At times great importance may be attached to the personnel of the committees on credentials and resolutions. Consequently pressure is brought to bear on the state delegations. In 1920 Will H. Hays of Indiana, chairman of the Republican national committee, wished to make Ogden L. Mills of New York chairman of the resolutions committee; others supported Senator Watson of Indiana in the belief that the favor thus shown to Indiana would prevent the election of another Hoosier, Beveridge, as permanent chairman. "One of the ablest organizers of political forces in the country," says Arthur W. Dunn (*From Harrison to Harding*, 1922, Vol. II, p. 402), "was sent to Chicago to make Watson chairman of the committee on resolutions. His name was never mentioned in connection with the affair. He stopped at one of the somewhat obscure hotels where he perfected his organization. He divided the country into districts; he had his lieutenants visit the various state delegations, and every delegation was urged to choose a [Watson] man as member of the committee. . . ." Henceforth (*Proceedings*, 1940, p. 76) the Democratic platform committee will include two from each delegation, one being a woman.

⁹ Note the Republican rule (*Proceedings* of 1940, p. 107): "The report of the Committee on Credentials shall be disposed of before the report of the Committee on Resolutions is acted upon, and the report of the Committee on Resolutions shall be disposed of before the Convention proceeds to the nomination of Candidates for President and Vice President." It is clear that the committee on permanent organization is not restricted. But under the Democratic rules (*Proceedings* of 1940, p. 75) it must report directly after the committee on credentials. The temporary chairman said in 1936 (*Proceedings*, p. 81): "The Chair desires to announce that the Committee on Credentials is still unready to report. Until the Committee on Credentials has made

permanent chairman must be a master of the rules of procedure; for he is called upon to decide highly technical questions which may involve the vital interests of factions and candidates. He must also be a man of personal force, dignified, urbane, self-confident; above all capable of prompt and firm action to restrain an assembly which, always turbulent, might easily pass beyond control. Occasionally the animosities of rival aspirants for the presidency have affected his election. Thus in 1932, by way of compromise, the Democratic national committee had "recommended" Senator Barkley (an adherent of Roosevelt) for temporary chairman and "commended" Jouett Shouse (an adherent of Al Smith) for permanent chairman. The Roosevelt managers ran Senator Walsh against Shouse, winning by 626 votes to 528.

Committee
on creden-
tials

The priority accorded to the committee on credentials rests on the necessity of settling disputed claims to membership before the convention proceeds with any important business. There must be no doubt as to the validity of the vote cast for the platform or the candidates. The national committee, it is true, has acted as a court of first instance; it has examined the evidence offered by rival claimants, made known its decision in each case, and compiled a provisional roster of delegates, known as the "temporary roll."¹⁰ But the convention, as final judge of the qualifications of its members, reviews these decisions through its committee on credentials. As a rule, contests affect very few of the thousand or more seats, perhaps forty or fifty.¹¹ It is only under the most exceptional cir-

its report and the permanent roll of delegates has been determined, it is impossible for the Committee on Permanent Organization or any other committee to report to this convention, and inasmuch as it was expected that the permanent chairman would be elected by this time and deliver an address over the radio, the Chair is going to take the liberty of recognizing him as a delegate from Arkansas and ask him to deliver his address at this hour."—Rarely does it happen in Republican conventions, and never in Democratic, that delegates whose credentials the convention has not approved vote, as Professor Bruce says they do (*The American Political Scene*, 1936, p. 137), on all questions of temporary and permanent organization.

¹⁰ The convention will not entertain a minority report from the national committee. This was decided by the Republican convention of 1912 when Governor Hadley of Missouri, wishing to seat 72 Roosevelt delegates in place of Taft delegates, offered a substitute for the temporary roll submitted by the committee. *Proceedings*, p. 33.

¹¹ In the Democratic conventions of 1920 (*Proceedings*, p. 41) and 1924 (p. 46) the contests affected delegates from only three states; in the Republican convention of 1924 (p. 51) delegates from six states and the District of Columbia. The Republican contests, always more numerous than the Demo-

cumstances, when the contested seats are fairly numerous and when a few votes will turn the balance between rival candidates, that the bias of the national committee in making up the temporary roll can have a decisive effect. In 1912 the Taft forces mustered 558 votes, or 18 more than a bare majority, in electing the temporary chairman and 561 votes in nominating Taft.¹² If the national committee had given Roosevelt fifty or more delegates, to whom he seems to have been clearly entitled,¹³ he would have controlled the convention from first to last. But, having lost that control at the outset, he could not regain it. The credentials committee, following in the main the decisions of the national committee and reporting separately on each contest, was sustained by the votes of the "stolen" delegates; for those delegates could vote in every case except the one in which their own seats were directly involved.¹⁴ The temporary roll of the convention thus became the permanent roll; and the national committee actually deprived Roosevelt of the nomination. At that time there was a disposition to throw discredit on the machinery for settling contests, to condemn an arrangement that

cratic, are mainly due to the disreputable condition of the party in the South and to the rivalry of lily-white and black-and-tan factions. In 1936 all but 10 of the 57 contests involved delegates from the Solid South (*New York Times*, June 3); in 1940 all but 8 of the 54 (*ibid.*, June 20). Such contests are often decided, not according to justice, but according to the interests of certain candidates or else the attitude of the party toward correcting abuses and placating Negro voters in the North. For half a century "Tieless Joe" Tolbert has tried to control the Republican organization in South Carolina. In 1932 his set of delegates was seated by the national committee, then excluded by the convention, in 1936, at first excluded, then seated; and in 1940 (*Proceedings*, pp. 63-64) kept off both temporary and permanent rolls. Dubious conduct led to this *dénouement*. In 1936 the Tolbertites, trading votes with the Democrats, put forward a "hybrid" ticket, on which Roosevelt electors appeared. For details see the brief laid before the National Committee in the case of *Gerald et al. v. Tolbert*, especially pp. 16-24.—In 1932 Roosevelt supporters, having more than a majority of the temporary roll, were able to seat 44 friendly delegates from two states.

¹² *Proceedings*, pp. 61 and 403.

¹³ Governor Hadley, leading the Roosevelt forces in the early stages of the convention fight, claimed 72. Arthur W. Dunn (*op. cit.*, Vol. II, p. 173) expresses the belief that 51 seats were "stolen." Senator Borah fixed the number at 52; a friend of La Follette who went over the record fixed it at 50.

¹⁴ The chairman (Elihu Root) was undoubtedly right in ruling that delegates whose seats were contested could vote in every case but their own. Otherwise hundreds of delegates might be disqualified from voting for the mere reason that formal contests, utterly without basis in fact, had been instituted against them.

entrusted such extensive and arbitrary power to the national committee. A dispassionate review of the experience of both parties would offer, however, little ground for serious criticism. The national committee has given tolerable satisfaction in this respect. It is not clear that anything would be gained by a change in method.

Committee
on rules

After the election of permanent officers the committee on rules and order of business brings in its report. The report may deal with any or all matters that lie within the competence of the convention: on the one hand, the procedure of the convention itself; on the other hand, the composition and powers of the national committee, the future apportionment of delegates and the mode of their election. The order of business, as fixed by the rules, is almost precisely the same for both parties. In 1912 the Democrats did, it is true, sanction a departure from settled custom in providing that the platform should be adopted after the nomination of the presidential candidate.¹⁵ That arrangement had a certain practical advantage; it conformed with the realities. For the electorate has come to regard the candidate rather than the convention as the responsible exponent of party policies and to attach more importance to his personal declarations than to the pronouncements of the platform. In any case the leader is never chosen without due attention to his known opinions; and it seems proper that he should have a voice in shaping the issues of the campaign. Nevertheless, the experiment of 1912 has not been repeated. Twenty years later, it is true, a tentative proposal was brought forward by the Roosevelt manager, James A. Farley, who found that conflicts over the platform might precipitate bitter animosities and split his pledged delegations. But the other presidential aspirants, for similar reasons, withheld their consent. The report of the committee usually recommends that the rules of the House of Representatives shall be the rules of the convention, so far as applicable and not inconsistent with certain special arrangements (such as the unit rule and the two-thirds rule of the Democratic party).¹⁶ On rare occasions a minority report is submitted and debate takes

¹⁵ In 1852 the same procedure was adopted. Stanwood, *A History of the Presidency*, Vol. I, p. 248.

¹⁶ The two-thirds rule was abolished in 1936. The Democratic rules of 1940 (*Proceedings*, p. 75) limited nominating speeches to twenty minutes, seconding speeches to five. They further provided that no delegate should occupy the floor in debate for more than thirty minutes, except by unanimous consent. According to the Republican rules (*Proceedings*, p. 108): "No member shall speak more than once upon the same question or longer than five minutes, unless by leave of the convention, except in the presen-

place on the floor of the convention. It was under these circumstances that the Democratic convention of 1912 relaxed the traditional unit rule which required all delegates of a state, when so instructed by the state convention, to cast their votes as the majority decided.

THE PARTY PLATFORM

The committee on resolutions, reporting last, has more time at its disposal than have the other committees, and usually needs it. The first step in the drafting of the platform is to assemble data. Representatives of powerful organized groups appear before the committee at public hearings and urge the adoption of specific policies. Thus, at the Democratic convention of 1924, the president of the American Federation of Labor spoke for nearly an hour.¹⁷ He insisted upon substantial compliance with the "fifteen demands" of organized labor and declared that, if the Democrats ignored these demands, as the Republicans had done, or resorted to compromise or generalities, the great mass of the American people would give their support to the Progressive candidate, Robert M. La Follette. He professed to speak for millions of trade unionists; others spoke for millions of farmers, women, church members. If they had, in fact, been in the position to deliver such vast blocks of votes, their arguments would have seemed very convincing. After the conclusion of public hearings a subcommittee is appointed to prepare a draft of the platform. Perhaps a draft is already in existence. It has been brought to the convention by some member of the President's cabinet or by some politician of acknowledged eminence, who has consulted with other leaders of the party. At any rate the chief issues that must be faced in the campaign have been canvassed in some fashion long before the committee meets. As early as November, 1923, the Democratic bosses of New York, Illinois, and Indiana conferred for more than a week and discussed, among other things, the advisability of incorporating in the platform a plank condemning the Ku Klux Klan.¹⁸ Informal conferences of this kind clear the way for quick action by the resolutions committee. In 1919 the Republican party set up official machinery to accomplish the same end. An advisory committee on politics and platform collected data

Drafting
of the
platform

tation of the name of a candidate for nomination for President or Vice-President."

¹⁷ *New York Times*, June 26, 1924.

¹⁸ *Ibid.*, November 20, 1923.

respecting the significant issues of the day, sought the opinion of prominent Republicans throughout the country, and submitted reports that filled a volume of almost 300 pages.¹⁹ Apparently the services of the committee were appreciated. The convention of 1920 instructed the national committee "through such agencies as it may deem proper . . . to collect, digest, and report to the Committee on Resolutions of the next Convention such data, record of Republican achievements, and suggestions with respect to policies and platform as may enable the Committee on Resolutions to perform its duties more speedily and efficiently." Something of the kind was done, though less exhaustively than on the first occasion.²⁰ Later conventions have wisely refrained from making any such formal arrangements. The matter can safely be left in the hands of the national committee or of the President. After the second disastrous defeat of the party in 1936, the Republican national committee set up a program committee, with Glenn Frank as chairman, to suggest the general terms of the platform of 1940.²¹ Alfred E. Smith, Democratic candidate in 1928, has suggested that the committee on resolutions, having been appointed in advance, should prepare a draft platform before the meeting of the convention.²²

Contro-
versial
planks

There are times when the resolutions committee has little more to do than to place its imprimatur on a document that it has had no hand in framing. Bryan dictated the platform of 1908 over long-distance telephone. As leader of his party the President must be allowed to define the issues, as Theodore Roosevelt did in 1908, Wilson in 1916, Coolidge in 1924, Hoover in 1932, and F. D. Roosevelt in 1936. The essential features of the Democratic platform of 1916 were taken to St. Louis by a member of the cabinet; and, although two planks—one on woman suffrage, the other on Americanism, which the Germans were likely to resent—met with strong objection, Wilson finally got everything he asked. His wishes prevailed four years later also. The Republican platform of 1924 was

¹⁹ This advisory committee included a dozen members of the national committee, twice as many members of Congress, and nearly 150 others. Various subcommittees were assigned to the study of special subjects, such as immigration, banking, merchant marine; and printed questionnaires, eight or ten pages in length and introduced with a brief explanation of each problem, were circulated widely.

²⁰ Samuel McCune Lindsay, "Political Platforms of 1924," *Review of Reviews*, Vol. LXX (1924), p. 193.

²¹ See Chapter X.

²² *The Citizen and His Government* (1935), pp. 117-118.

reported the day after the appointment of the resolutions committee; "reported," as the chairman said, "unanimously by every member save the member from one state." The minority report, offered by Henry A. Cooper of Wisconsin, was rejected without debate or roll-call.²³ It was a Coolidge convention. The Democrats, on the other hand, were torn by dissension. The drafting of the platform occupied four days; or rather four days and four nights, for the chairman of the committee, by way of apology for the failure of his voice when he addressed the convention, explained that during this period he had slept only six hours all told.²⁴ At last agreement was reached on all but two subjects—the League of Nations and religious freedom. With respect to the latter the friends and enemies of the Ku Klux Klan were ranged against each other. During the prolonged discussion the leaders sought in vain, as the chairman said, "to find some formula that would be satisfactory to every group of the party." Controversy grew more and more acrimonious. At last "one of the members arose and recited the Lord's Prayer, and we all united in it, and then at the close Mr. Bryan lifted up his voice—Mr. Bryan lifted up his voice in an invocation for guidance and for Divine help in this hour of stress."²⁵ Nevertheless, the minority would not give way in their demand for a bolder declaration in favor of the League of Nations and against the Klan. They carried their fight to the convention floor; and the fatal party cleavage was revealed to the whole country.²⁶ In 1932 the question of repealing the Eighteenth Amendment plagued both parties. Notwithstanding the obvious shift of opinion in the country, President Hoover had remained loyal to the dry cause. The Republican platform, therefore, went no farther than to propose an amendment that would permit the states to settle the matter for themselves. But an alternative plank, proposing to resubmit the Eighteenth Amendment, was

²³ Mr. Cooper declared (*Proceedings*, p. 117) that, when Wisconsin had presented a minority platform in 1908, there were cries of "Socialism" and "Take it to Denver" and that nevertheless every plank but one in that platform had later become the law of the land. Since 1908, he said, "Wisconsin has presented several minority platforms, and in them were 31 planks, 26 of which are now the law of the land, and one of those planks is now in the Constitution of the United States."

²⁴ *Proceedings*, pp. 224–225.

²⁵ *Ibid.*, p. 226.

²⁶ *Ibid.*, pp. 250–333. The majority report was sustained: as to the League of Nations by 389 votes, and as to the religious liberty plank by one vote. See also William A. White, *Politics: the Citizen's Business* (1924), pp. 71–84.

beaten by only 681 to 472 votes. The Democrats advocated repeal. Their convention refused (934 to 213) to have the party remain neutral while allowing the question of repeal to be decided by action on a new amendment.

The platform is a lengthy document. Surveying the whole field of national politics, it commits the party on a great variety of questions. The Republican platform of 1928 ran to 9,000 words and over. The Democratic platform of 1924 included fifty-one planks; declarations, for example, respecting the tariff, agriculture, railroads, mining, highways, merchant marine—some of them involving the most intricate economic processes. Can it be said that such an elaborate program reflects the measured judgment of the convention? Not only are the delegates for the most part utterly unfamiliar with the large problems of statesmanship; they are also, by reason of their numbers and the presence of an unruly mob in the galleries, rendered incapable of calm detachment and deliberation. The chairman of the resolutions committee reads the platform, often in an exhausted, scarcely audible voice; and the convention gives its approval without having heard, let alone understood, the greater part of it. Of course, the resolutions committee has sponsored it. But the committee cannot be expected, in the course of a day or so, to give an intelligent answer to every question of the hour. It must necessarily accept as the basis of its discussions a draft which someone has brought in his pocket. Pressed for time, harassed and confused by the complexity of its task, the committee sometimes makes quick decisions which sober second-thought would not sustain. "Sometimes," the *New York Times* observes editorially,²⁷ "a scheming gentleman gets in touch with the Committee on Resolutions and persuades it to accept and report a plank of which the majority of the convention knows nothing, which it scarcely notices as it is read out perfunctorily, but which causes a scandal when it comes later to be printed and subjected to scrutiny." Latterly the politicians seem to have discovered a virtue in brevity. The Democratic platform of 1932, taking a new line or rather recurring to an old one, did not much exceed 1,600 words. This remarkable departure from precedent was strongly commended by the press.²⁸ In fact, the credit belongs to the Republicans, who had expressed themselves,

²⁷ June 28, 1924.

²⁸ It has been said that this was the shortest platform in the history of the Republic. Peel and Donnelly, *The Campaign of 1932* (1935), p. 100. Actually eight Democratic, four Whig, and six Republican platforms were shorter.

two weeks earlier, in some 2,200 words. The platforms of 1940 were almost twice as long.

What is the character of the platform as it issues from the convention in its final form and becomes the test of party orthodoxy? Competent observers, foreign and American alike, speak in the same tone of disparagement. "Its tendency," says Bryce,²⁹ "is neither to define nor to convince, but rather to attract and to confuse. It is a mixture of denunciation, declamation, and conciliation." Ostrogorski regards it as "the biggest farce of all the acts of this great parliament of the party" and believes that, with rare exceptions, "the sole object of the platform is, in the present as formerly, to catch votes by trading on the credulity of the electors."³⁰ This is very much the view expressed by the *New York Times*. "Ordinarily," it says,³¹ "the framing of a party platform is regarded as either a joke or a nuisance. As a rule it is a composite of conflicting views, artfully put together to deceive as many voters as possible." Politicians, Henry Jones Ford observes in *The Rise and Growth of American Politics*,³² are adepts in the use of ambiguous phrases that are susceptible to various interpretations. "Concerning issues which are settled party speaks in a clear, sonorous voice. But on new issues it mumbles and quibbles. Subdivisions of the party organization make such professions as will pay best in their respective fields of activity. If the issue cannot be dodged, straddling may be resorted to. Declarations really incongruous in their nature are coupled, and their inconsistency is cloaked by rhetorical artifice. Sometimes such expedients are employed as making the platform lean one way and putting on it a candidate who leans the other way, or candidates representing opposing ideas and tendencies are put upon the same ticket."³³

Its evasive
declara-
tions

No one can read the party platforms of the last three-quarters of a century without finding justification for such criticism.³⁴ They

These
explained

²⁹ *American Commonwealth* (ed. of 1910), Vol. II, p. 334.

³⁰ *Democracy and the Organization of Political Parties* (1902), Vol. II, pp. 261-262.

³¹ June 28, 1924.

³² Pp. 330-331.

³³ Thus in 1852 Northern Whigs could "spit upon the platform," which endorsed the fugitive slave law, and vote for the party candidate, who was a military hero without pronounced political views.

³⁴ "As a usual thing," says Arthur W. Dunn (*From Harrison to Harding*, 1922, Vol. II, p. 196), "only a few sticklers care anything about a platform, the vast majority of delegates agreeing with the hard-headed politician who remarked

bear, for the most part, the marks of artifice, ambiguity, dexterous evasion. Now and then a clear note has been sounded. The Democrats faced the slavery issue squarely in 1860, the free-silver issue in 1896; and the Republican platform of 1912 announced its conservative principles in bold, defiant language. It is significant, however, that on each of these occasions the party was rent by schism. Indeed, a perpetual spirit of compromise is needed to keep either one of the major parties from disintegrating. They are, as already explained in Chapter VIII, vast combinations of voters brought together on a common ground by mutual concessions and by a process of harmonizing sectional and group interests. Each separate element must be ready to make sacrifices, abandon extreme claims, adjust itself to the average sentiment. The willingness to cooperate is essential. When a conflict impends, as in the preparation of the Democratic platform of 1924, the leaders search for some formula that can be accepted by both factions; in other words, they resort to compromise. The formula is usually accepted, because everyone realizes the emptiness of a victory that leads to schism.³⁵ If platforms are colorless and indefinite, the reason lies partly in the very essence of the democratic principle. Democracy implies government by the majority. It seeks the greatest good of the greatest number, not as the idealists conceive it, but as the greatest number themselves conceive it. In the rough give-and-take of politics they learn eventually the profound truth of the Greek observation that the good is sometimes better than the best. What satisfies fully no particular group may give tolerable satisfaction to the party as a whole.

The platform is the creed of the party, its program of action. It

that 'platforms are to get in on, not to stand on.' Only once in a great while, as in 1896, do platform pledges amount to anything, and only then on some vital question. A shrewd political observer has said that the American people settle only one question at a time. If party platforms were confined to the vital subjects, and were not long, rambling rigmaroles of glittering generalities, they might be more effective in political campaigns."

³⁵ In 1924 the Democratic resolutions committee tried to compose the dispute over the Ku Klux Klan by an appeal to the party. "We began to think about the Democratic party," the chairman reported (*Proceedings*, p. 225). "We began to think of its future, we began to recall its history. We turned our minds back to that glorious heritage which has come down to us from Jefferson to Wilson. We thought of all that might be involved in this contest; and then we drew closer together, friends about the council table, to see if we could not devise some way to meet this problem so that America might have the benefit of the service of a united Democratic party."

is supposed to be the test of orthodoxy. But, while every article of faith commands obedience during the campaign, afterwards President and congressmen alike drift into a somewhat latitudinarian theology. Thus the Democratic platform of 1908 declared for the immediate repeal of the tariff on lumber; and yet in the House thirty Democrats (including the chairman of the convention) and in the Senate seventeen voted against placing lumber on the free list.³⁶ Senator Bailey justified himself in this fashion: "I refused to allow a set of delegates, selected by the people absolutely without reference to a question of that kind, but selected almost solely with a view to the candidacies of men, to assemble in a convention and assume the function of legislators."³⁷ In 1926 Senator Harreld, opposing American membership in the World Court, declared that, if he owed any allegiance to either Republican platform, it was to the platform of 1920 whenever it conflicted with that of 1924. This colloquy occurred: ³⁸ "*Mr. Lenroot.* Then the Senator did call to the attention of the committee on resolutions of the Republican convention that in his opinion the plank proposed by the majority did definitely pledge the Republican Party to adhere to this court, and for that reason he offered the substitute? *Mr. Harreld.* The Senator can look at it in that way if he wishes, but the fact is they said, 'No, we do not mean this; we just want to sidetrack it.' *Mr. Lenroot.* Will the Senator repeat that statement? *Mr. Harreld.* The fact is that when I made the suggestion and offered a substitute they voted it down because they said it was necessary to do it to kill the proposition and keep it from coming up again. *Mr. Lenroot.* To kill what proposition? *Mr. Harreld.* The World Court proposition. *Mr. Lenroot.* And they pledged the Republican Party to the World Court so as to keep it from coming up again? *Mr. Harreld.* Some of them did, and openly said so." Senator Bailey's position, if unorthodox, was founded on principle and disguised no insincere professions. Others have not been so consistent. They have ignored the platform when it has run counter to personal conviction or self-interest, and at other times taken refuge behind it to escape awkward commitments. During his first administration President Wilson pursued just such a course.

Attitude
of party
leaders to
platform

³⁶ H. J. Ford, *The Cost of Our National Government* (1910), pp. 71-72.

³⁷ Ford observes (p. 72): "The criticism is well founded. The only pledges as regards public policy that are worth anything are such as are given by those who will have charge of public policy if elected, and are thus subject to the steady pressure of responsibility."

³⁸ *Congressional Record*, January 21, 1926, p. 2133.

Twice in 1914, when pressed for a declaration on woman suffrage, he replied that as leader of the Democratic party he could not speak on a matter of such supreme importance until the party itself had spoken.³⁹ But in the same year he successfully urged upon Congress the repeal of that provision of the Panama Canal Act, which exempted American coastwise ships from the payment of tolls; and this he did notwithstanding the specific approval of such exemption in the Baltimore platform. The platform had likewise urged the adoption of a constitutional amendment limiting the President to a single term and had pledged the candidate (Wilson) to this principle. Nevertheless, the President condemned such a limitation as "arbitrary and unsatisfactory from every standpoint." He was willing to go no farther than to embody in the Constitution "the present customary limitation of two terms."⁴⁰

Speech of
acceptance
more im-
portant

Before the end of the last century the decline of the party platform had been generally recognized. "The resolutions of a convention," wrote James G. Blaine,⁴¹ "have come to signify little in determining the position of a President or party. Formerly the platform was of first importance. Diligent attention was given, not only to every position advanced, but to the phrase in which it was expressed. The presidential candidate was held closely to the text, and he made no excursions beyond it. Now, the position of the candidate, as defined by himself, is of far more weight with the voters, and the letter of acceptance has come to be the legitimate creed of the party." The letter of acceptance has been superseded by the speech of acceptance.⁴² Towards the middle of August—the time being nicely calculated for its effect in the campaign—a committee, appointed by the convention six or eight weeks earlier, waits upon the candidate and formally notifies him of his nomination. He has

³⁹ Inez H. Irwin, *The Story of the Woman's Party* (1921), p. 59.

⁴⁰ Wilson expressed these views in a letter written in 1913 and published in 1916. *American Year Book*, 1916, p. 34. In his speech of acceptance Franklin D. Roosevelt endorsed the Democratic platform of 1932 "one hundred per cent." As President, however, he showed little inclination to be bound by it.

⁴¹ Quoted by H. J. Ford, *The Rise and Growth of American Politics*, p. 206.

⁴² In the days of Cleveland and Blaine the candidate was notified immediately after the convention adjourned. Delivered so early, the speech of acceptance did not attempt to lay down the paramount issues of the campaign. But three or four weeks later, when popular reactions to the platform could be measured, the candidate set forth his deliberate opinions in a letter of acceptance. In 1904 Roosevelt issued his letter of acceptance on September 12.

in the meantime prepared an elaborate reply.⁴³ It usually takes the form of a commentary on the platform, in which the declarations upon leading issues are stressed and amplified, if campaign strategy makes this desirable, or reinterpreted to conform with the apparent trend of public opinion. The country gives ear. It is listening now to an authentic voice, "to the living accents," says Ostrogorski,⁴⁴ "of a man whose personality marks him out for and lays him open to responsibility." The candidate gives precision to the vague language of the platform.⁴⁵ He may also, at this time or later in the campaign, commit himself and the party to policies which the convention overlooked or deliberately ignored.⁴⁶ Taft, in 1908, gave his approval

⁴³ This appears in an appendix to the report of the convention proceedings and also in the campaign textbook.

⁴⁴ *Op. cit.*, Vol. II, p. 262.

⁴⁵ Woodrow Wilson, in his speech of acceptance, said in 1912: "At such a time and in the presence of such circumstances, what is the meaning of our platform, and what is our responsibility under it? What are our duty and our purpose? The platform is meant to show that we know what the nation is thinking about, what it is most concerned about, what it wishes corrected, and what it desires to see attempted that is new and constructive and intended for its long future. But for us it is a very practical document. We are not about to ask the people of the United States to adopt our platform; we are about to ask them to entrust us with office and power and the guidance of their affairs. They will wish to know what sort of men we are and of what definite purpose; what translation of action and of policy we intend to give to the general terms of the platform. . . ."

⁴⁶ Alton B. Parker, nominated by the Democrats in 1904, did not wait for the speech of acceptance to define his attitude. The platform excluded all reference to the perplexing money question. On the day after his nomination Judge Parker announced that he regarded the gold standard as "firmly and irrevocably established" and would decline to run on the Democratic ticket if his views proved unsatisfactory to the majority of the convention. The leaders assured him that "the platform . . . is silent on the question of the monetary standard because it is not regarded by us as a possible issue in the campaign, and only campaign issues were mentioned in the platform. Therefore there is nothing in the views expressed by you . . . which would preclude a man entertaining them from accepting a nomination on said platform." Before his nomination in 1936 Governor Landon, by telegram to the Republican convention, submitted his own interpretation of certain vague or controversial planks in the platform. These planks concerned the currency, the merit system in the civil service, and protection of workers. *Proceedings*, pp. 149-151. After his nomination in 1928, and in spite of the fact that the platform pledged the Democratic party to enforce prohibition, Governor Smith telegraphed to the convention: "It is well known that I believe there should be fundamental changes in the present provisions for national prohibition, based . . . on the fearless application of Jeffersonian democracy.

to the proposed constitutional amendment for the direct election of senators; Hughes, in 1916, to the proposed amendment for woman suffrage. A President may not fulfil all the promises he made as a candidate; President Taft came to the conclusion that an income tax, as advocated in his acceptance speech, could not be levied without a change in the Constitution. But on the whole it is a sound instinct that has led the people to regard the candidate rather than the convention as the responsible expositor of policy and principle.

Franklin
D. Roosevelt's
innovation

Institutions often survive long after the circumstances that justified them originally have passed away. Before the age of rapid communication there was a valid reason for notifying the candidate long after he had been chosen. How can such delay be defended now? Franklin D. Roosevelt has shown something like a contempt for precedents. This attitude and a sense of the dramatic explain his flying to Chicago in 1932 and delivering his speech of acceptance before the convention.⁴⁷ He did likewise in 1936 and 1940. He was himself trying to create a precedent. Perhaps the Roosevelt precedent may, in both parties, bring about a return to the practice which prevailed in the 'eighties and which was abandoned later on. Let us recall, however, that there was good reason for its abandonment, that there was and is real value in a speech of acceptance delivered, like Hoover's in 1932, towards the middle of August. Bertrand H. Snell did not state the case adequately. "The custom," he said,⁴⁸ "goes back beyond the days of the telegraph, the radio, the automobile, or the telephone. There are some who say that it is outmoded, that traditions have no place in the present impetuous scheme of things, that everything has changed. But we cling to the tradition because it is a reminder that there are some things in life which do not change. Some things which are fundamental and eternal."

... I feel it to be the duty of the chosen leader of the people to point the way which, in his opinion, leads us to a sane, sensible solution."

⁴⁷ He said: "I have started out on the tasks that lie ahead by breaking the absurd tradition that the candidate should remain in professed ignorance of what has happened for weeks, until he is formally notified of that many weeks later. . . . You have nominated me, and I know it, and I am here to thank you for the honor. Let it be symbolical that, in doing so, I broke traditions. Let it be from now on the task of our party to break foolish traditions."

⁴⁸ *Proceedings* of 1936, pp. 244-245. The notification of Governor Landon took place on July 23, altogether too early from the standpoint of sound strategy. But in 1940 the date was August 17. *Proceedings*, p. 377. Willkie observed truly: "An acceptance speech is a candidate's keynote, a declaration of his broad principles. It cannot possibly review the issues in detail. . . . Here I give you an outline of the political philosophy that is in my heart."

That is not the point. The custom survives for more cogent reasons than old age; and those reasons have already been given.

CONVENTION ORATORY AND MANNERS

More than once in the last fifty years cleavage of opinion upon some dominant issue has profoundly stirred the national convention. In 1896 Bryan's impassioned plea for free silver set loose a tumult that has been compared to that of a great sea thundering against the dykes. But generally the emotions of the vast throng that occupies the floor and galleries of the auditorium find occasion for their wildest outbursts during the course of the nomination speeches.⁴⁹ These speeches have a peculiar quality. They are so flamboyant and pretentious, so impassioned and declamatory, and so mixed in their metaphors that in cold print they excite only amusement.⁵⁰ Daniel Webster, after revising Harrison's inaugural address, said: "It was a very stiff job. I killed off no less than fourteen Roman consuls." Any revision of the convention oratory of to-day would involve a terrific slaughter. Few resist the temptation to indulge in extravagant rhetoric; even seasoned politicians succumb. Here, for example, is Senator James A. Reed, known as a keen and resourceful debater, proposing the name of Champ Clark in 1912: "Behold the momentous change! The fires of continental liberty lighted upon our shores have swept round the world, consuming the citadels of arbitrary power, until they have reached the throne of the Manchus and the seraglios and fortresses of the Ottomans. The principles of the American constitution will soon be accepted as the fundamentals of all civilized government. Beneath its protection America has marched from triumph to triumph. Half a continent has been gained, transformed into homes, enriched with cities, glorified with temples of religion and seminaries of learning, and peopled

Character
of nomi-
nating
speeches

⁴⁹ Among the most famous nominating speeches may be mentioned those of Robert G. Ingersoll presenting the name of James G. Blaine in 1876; of James A. Garfield presenting the name of John Sherman in 1880; and of General Bragg presenting the name of Grover Cleveland in 1884. Ingersoll likened Blaine to "a plumed knight walking down the halls of Congress and throwing his shining lance full and fair against the brazen foreheads of the defamers of his country and the maligners of his honor." Bragg said of Cleveland that "We love him most for the enemies he has made"; and these words became a shibboleth in the campaign.

⁵⁰ See the extracts given by Ostrogorski, *op. cit.*, Vol. II, 265-267.

with the greatest race of men who have lived since the sun first kissed the horizon of time. Beneath our constitution, all have been secure—no man so strong he did not need its shield; no wretch so weak he might not find refuge under its provisions.” Or here is a passage from the speech in which Warren G. Harding presented the name of William Howard Taft in 1912.⁵¹ “Profession is not proclamation nor palaver. It is not pretense nor play on prejudice. It is not of personal pronouns nor perennial pronouncement. It is not the perturbation of a people passion-wrought, nor a promise proposed. . . . We not only have wrought the most of liberty and opportunity for ourselves at home, but the firmament of the earth, occident and orient, is aglow with shining suns of new republics, sped to the orbs of human progress by the force of our example. What a sacred duty, then, to guard to-day, as ever, against any who seek to undermine what they cannot overthrow!” Latterly, no doubt, there has been some improvement in taste. Franklin D. Roosevelt’s speech on behalf of Governor Smith in 1924, or Theodore E. Burton’s speech on behalf of President Coolidge, was a reasoned appeal which dealt with the personality and achievements of the candidate without introducing Ottoman seraglios or orbs of human progress.⁵² There was similar restraint in John E. Mack’s nomination of Roosevelt and John D. Hamilton’s nomination of Landon in 1936. But for the most part the orators still strain after calculated effects.⁵³

⁵¹ *Proceedings*, pp. 378–379.

⁵² Samuel M. Ralston of Indiana, who at one stage in the balloting seemed likely to receive the Democratic nomination in 1924, was nominated in a businesslike speech of 239 words.

⁵³ Here is Senator Connally nominating John Nance Garner for the presidency in 1932: “He has never been nor has he desired to be other than one of the mighty host of plain citizens of America. Living amid those who toil in field and on ranch and in busy villages, in contact in the nation’s capital with public characters from every section of the Union, financial leaders and great masters of commerce, he knows America as no other public figure among men now living. His home is in the Southwest. His mind and patriotism live in every section of the Republic. He is not a sectionalist. He is not a provincialist. He is not a factionist. He is more than a Southerner. His vision stretches further to the west than that of an Easterner. His eyes reach further to the east than those of a Westerner. His statesmanship is bigger than his geography. The scope of his principles is not limited by a surveyor’s compass or the transit of an engineer.” Consider also Gaspar G. Bacon of Massachusetts, seconding the nomination of Landon in 1936 (*Proceedings*, p. 164): “Ever mindful of her great heritage, Massachusetts takes her stand by the side of Kansas. Our people have spoken. From every city, village and town in the State, from her stern and rock-ribbed coast, from her fertile valleys

They administer more and more potent stimulants to the emotions of the audience, hoping to precipitate at the close, when the name of the candidate is revealed, one of those remarkable demonstrations which have been styled epileptic fits.

The demonstrations, however spontaneous they may appear to the unpractised eye, are often as artificial as the devices of rhetoric that are supposed to evoke them.⁵⁴ Synthetic enthusiasm, Samuel G. Blythe has called it, enthusiasm having exactly "as much spontaneity

"Synthetic" demonstrations on behalf of aspirants

and templed hills, from her crystal sands by the restless sea, Massachusetts, with an overwhelming voice, seconds the nomination of Alfred Mossman Landon."

At times the delegates grow impatient. Repeatedly the speech of J. C. Boyd nominating Governor Nice of Maryland for the vice-presidency was interrupted by shouts of "Who is he?" or "Go ahead and name him." Mr. Boyd got a hearing at last when he said: "I have been fighting for forty years, fighting in the face of the enemy. Certainly you do not think I will become scared in the house of my friends." *Proceedings of the Republican convention of 1936*, pp. 189-193.

⁵⁴ The Spanish novelist Ibáñez has described the methods employed to instill enthusiasm in the early stages of the convention proceedings. "There is something original, purely American," he says (*San Francisco Chronicle*, June 10, 1920), "that I have never seen anywhere else. I mean the convention sergeant-at-arms, who is at the same time a cheer-leader and stimulator. This specimen of American life has won my genuine admiration. Last fall I attended the Harvard-Yale football game. I noticed that the attention of the public was entirely centered on the two opposing teams who struggled around the ball. My attention was elsewhere, another set of heroes caught my eye, the men who stood in front of the stands and led the singing and cheering of both sides like leaders of huge orchestras. The exhaustion of the players, the serious injuries which they frequently suffered, appealed to me less than the efforts of those injectors of enthusiasm, who ran up and down in front of the crowds with the agility of caged squirrels and shouted and sang, fanning the air with their clenched fists. I would have liked to see another game on the following day, to watch the cheer leaders. I never dreamed I would meet again such injectors of enthusiasm in a political convention on which depends the destiny of the first nation of the earth. But I found something that reminds me of the cheer leaders I watched last fall. When the delegates grow tired or the proceedings become dull a fellow slips up to the rostrum and signals to the orchestra. 'Come on,' he shouts to the delegates and the public, 'let's sing the first two verses of that fine old national hymn.' The fellow is a sergeant-at-arms, cheer leader, stimulator, and injector of enthusiasm. I don't want to criticize the great and venerable Republican party. It has had great men in the past. It has great men at the present. The very abundance of candidates that it now exhibits is a certain sign of intellectual strength and political vigor. But I beg leave to say that its cheer leaders are not worth a hang. The poor devils can't begin to compare with the cheer leaders I saw at the Harvard-Yale game last fall."

as a bowl of hard-boiled eggs.”⁵⁵ The demonstration for Alfred E. Smith at Madison Square Garden will serve as an illustration. When Franklin D. Roosevelt reached the end of his speech nominating Smith, the signal was given. “The fingers pressed the buttons,” says the *New York Times*.⁵⁶ “The contact was made. Volcanoes of sound

⁵⁵ “They raised the roof, bulged the sides, depressed the floor, and shook the rafters of the Garden with every sort of noise, from the soprano squeak of some golden-haired tots, especially placed to attract attention, to the bellow of a dozen tubas, the blare of a hundred trumpets, and the wild wails of a Fire Department siren. They marched, sang, shouted, squeaked, yelled and went into frenzied fits, fantoads, and catalepsies. They rang every welkin, woke every echo, clamored, brawled, bawled, and ballyhooed. They raised bedlam, raised pandemonium, and raised hell.” Blythe is here describing an episode in the Democratic convention of 1924. Quoted from the *New York Herald-Tribune* in the *Literary Digest* of July 12, 1924.

⁵⁶ June 27, 1924. After the nomination of Franklin D. Roosevelt in 1932 a demonstration that lasted seventy minutes took place. F. Raymond Daniell describes it in the *New York Times*, June 22: “A second later the entire scene had changed from a relatively dignified assemblage of patriots to one resembling what might take place in the psychopathic ward of a great city hospital if all the keepers decided to have the same day off. The Texans, seated at the front of the hall nearest the battery of camera men, were the first to show signs of infection. A bearded gentleman in a ten-gallon hat shook himself out of his slumber, seized the beanpole standard and began cake-walking up the aisle. He was followed by a comely young woman, who fell in behind the silken banner of the Lone Star State and pulled her skirts above her knees to do a tap dance before the speaker’s stand. By that time the symptoms of mental malaise were spreading from the floor to the balcony. Elderly gentlemen were tossing perfectly good panama hats into the arena for stamping delegates to trample on, and kindly faced old ladies were tearing up newspapers to shower on their nearest neighbors. Balconies and floor joined in a rising crescendo of noise and un-self-conscious imbecility. Senators Connally and McAdoo went prancing by the speaker’s stand like trotting horses with fixed grins on their faces, and the Massachusetts delegation seized James Roosevelt, the President’s eldest son, and bore that perspiring young man around the hall upon their shoulders. Behind him came a sequence of placards borne by the Mississippi delegation, all acting as strangely as Senator Theodore (the man) Bilbo. The first sign read, ‘Three Hard Years with Hoover,’ and beneath it marched a startled-looking, emaciated urchin, in rags and tatters, with a dirty face. Directly behind this lugubrious display marched two stoutish young women who could have made the first row in Billy Watson’s beef trust opera company, proudly bearing a banner which read: ‘If You Can’t Guess—Three Good Years with Roosevelt.’ Next in the procession came a sort of Chinese chippendale sign adorned with tiny sprouts of flags and reading ‘The party with a soul.’ At their heels, pushing the bearers of this museum piece along, came Michigan, announcing to the world that the Peninsula State: ‘Rides with Roosevelt; pedestrians beware.’ A surprised and terrified little burro, pressed into service as a donkey since the convention opened, more

burst forth, shrill, unearthly, and horrible. It was a screech of charging squadrons of ambulances and speeding hook-and-ladder trucks, a mingled racket which New Yorkers associate with falling buildings, six-alarm fires, elevated collisions, Black Tom explosions, and other great public calamities. . . . Men and women in the seats in the immediate path of this rush of sound acted as if they had been blown out of their seats. They leaped to their feet and staggered about, shell-shocked. Although the Garden was crowded and seats at a premium, scores rushed out and never came back. The great tidal wave of falsetto notes cleared a broad swath through the whole tier and maintained it for an hour and a half. . . . Each electrical screamer was worth several hundred throats. There was enough natural shouting and cheering to make one of the greatest demonstrations of its kind, but the great triumph was that of science. The electrical claque had come to its own."⁵⁷

That synthetic enthusiasm accomplishes anything substantial, helps the cause of the candidate in any way, is open to question. The spectators may be impressed. The stage-manager and the scene-shifters may take pardonable pride in their professional success. A certain town in Kansas measured its advance in civilization by the fact that the inhabitants had more automobiles than bathtubs. By the same quantitative standards it was a proud achievement to prolong the Smith demonstration beyond the record of an hour and seventeen minutes which the McAdoo experts had established on the previous day. But delegates do not yield their votes to persuasion of that kind. At the conventions of 1912, we are told,⁵⁸ "straight through all

Their
doubtful
value

or less willingly participated in the parade, bearing upon his back, first a heavy gray-haired Tennessean and then a boy and girl from Florida wearing jockey caps. At the corners the burro's manager invariably said, 'Whoa' and the animal halted, temporarily breaking the free movement of the delegates. Not until his manager's palm was crossed with silver would the manager utter the magic word which started him in motion again."

⁵⁷ Benjamin Gitlow (*I Confess*, 1940, p. 496) describes an episode in the Communist convention of 1928, all the more absurd because the delegates had known long in advance who would be nominated: "Horns, rattles and all kinds of noise makers were supplied to both visitors and delegates. When Foster was nominated, cheer-leaders whipped the gathering into a frenzy which lasted about half an hour. . . . Jay Lovestone stood behind the curtains with a watch in his hand, to make sure that the tumultuous and spontaneous demonstrations lasted the required length of time. . . . After it was all over the comrades looked at each other sheepishly and burst into laughter, because they realized it was a huge farce and staged for outside consumption. The whole affair lacked the tone of sincerity."

⁵⁸ *World's Work*, Vol. XXIV (1912), p. 366.

the din men voted steadily for the man of their choice. Everybody was doing his best to stampede everyone else, but when it came to his own vote, he preserved his composure. . . . 'Demonstration' followed 'demonstration' and passed into 'counter-demonstration' without altering a vote. Uproar that shattered the voice of a new chairman every five minutes, and wore out fresh platoons of police every hour; the efforts of bands drowned under the vocal din; and the chromatic clamor of banners assailed the delegates and left them stubborn at their posts. At Chicago they stood pat to the end. At Baltimore they changed, but they refused to stampede. They changed slowly, and only under the slowly increasing realization that Woodrow Wilson was the right man."

The principle of
"availability"

The convention is just as anxious to name a winning candidate as to write a winning platform. Victory is the objective. Rarely indeed do party leaders sacrifice victory to principle or to the desire to maintain their grip on the organization, as the Republican Old Guard leaders did in 1912. The candidate must be a man who has positive virtues that will attract support and negative virtues that will disarm opposition. The desired characteristics are summed up in the word "availability." On the negative side allowance is made for popular prejudice: no Catholic, except Alfred E. Smith in 1928, has ever been nominated; no Jew seriously considered for the nomination. Any breach of integrity in business relationships or political relationships, any departure from the most exacting standards of family life is an absolute disqualification.⁵⁹ Eminence may be a handicap; for the resolute man, possessing force of character and the courage of his convictions, moving towards his goal with little regard to the susceptibilities of his opponents, makes enemies as well as admirers. Theodore Roosevelt passed out of the presidential orbit in 1916 when he boldly preached the cause of the Allies. He pleased some and alienated others. The Republican party preferred an enigmatic candidate.⁶⁰

⁵⁹ Charges of corruption while a member of Congress, though indignantly denied, cost Blaine the Republican nomination in 1876; and, when he became the candidate in 1884, many Republicans, still believing him guilty, bolted the ticket. Ordinarily the mere breath of suspicion is enough to put a man out of the running. In 1884, after his nomination, it became known that Grover Cleveland had an illegitimate son. Cleveland did not try to squirm out of the ugly situation. To the dismayed party managers he said, "Tell the truth!" That he suffered so little in the public estimation may be ascribed to his courage and frankness.

⁶⁰ For a different view see A. W. Dunn, *From Harrison to Harding*, Vol. II, p. 320, where the influences that led to the nomination of Hughes are explained.

On the positive side availability implies the possession of an attractive personality, a sufficient command of speech to meet the exigencies of the campaign, a record of loyal service with the party,^{60a} and a fairly extensive training in politics. Nowadays political experience is, as it should be, a requisite. Politics is, after all, an esoteric art. It is possible that a business man or a military commander might be translated to political life without exposing himself to egregious blunders—possible, because natural aptitudes might save him; but his formed habits of thought and of human relationships render success unlikely. The only way to make sure is to insist upon an apprenticeship in politics; and the English arrangement, under which a man arrives at high cabinet office after fifteen or twenty years in the House and trial as an under-secretary, is much superior to our own. During the past half-century the major parties have named eighteen different candidates. Ten have served as governors of their states: Cleveland, McKinley, Theodore Roosevelt, Wilson, Hughes, Cox, Coolidge, Smith, F. D. Roosevelt, and Landon. Six others had held political office of some kind: Harrison as United States Senator for one term; Bryan as congressman for two terms; Taft as governor of the Philippines and secretary of war; Harding as lieutenant-governor and United States senator for one term; Davis as state senator (two years) and congressman for one term and part of a second; and Hoover as secretary of commerce under two presidents. Alton B. Parker, who had held only judicial office, and Wendell Willkie are the only exceptions.

It implies
political
experience

Availability means something more. The candidate must not only exhibit all the prescribed virtues; his place of residence is also important. The parties, being each in undisputed possession of certain areas, depend for victory upon the result of the election in states where the contending forces are more or less evenly matched. As a presidential candidate carries his own state three times out of five,⁶¹ it has been the practice to select him from one of the doubtful states. Since the close of the Civil War exceptions have occurred: in 1880, when the Democrats nominated Hancock of Pennsylvania; in 1884, when the Republicans nominated Blaine of Maine; and in 1924, when

and resi-
dence in a
"doubtful"
state

^{60a} Exceptions have occurred, notably in 1872 (Greeley). Willkie (1940) had enrolled as a Republican two years before his nomination. "Is the Republican party a closed corporation?" asked Halleck when proposing him (*Proceedings*, p. 209). "Do you have to be born in it?" He had heard of no seniority rule.

⁶¹ In the 19 elections since the Civil War, 14 candidates have lost their states; but in three of those instances (1904, 1920, 1940) both parties had chosen their candidates from the same state.

the Republicans nominated Coolidge of Massachusetts. During the same period the number of candidates selected from doubtful states has been, for the Republicans: Ohio, seven; New York, three; California, Indiana, and Illinois (which became preponderantly Republican), two each; Kansas, one; and for the Democrats: New York, twelve;⁶² Nebraska, three; New Jersey, two; Ohio, one. The preponderance of New York and Ohio on this list is due to the fact that they are populous states, the one having now forty-seven, the other twenty-six electoral votes. They have taken the place of Virginia, once known as the mother of Presidents. Since the Civil War the door of the White House has been closed to all ten states of the Solid South. No Republican candidate can have the slightest hope, no Democratic candidate the slightest doubt, of receiving the entire electoral vote. Neither party would draw any advantage from the nomination of a Southern candidate.

THE UNIT RULE AND THE TWO-THIRDS RULE

Unit rule
in Demo-
cratic con-
ventions

In the nomination of candidates the procedure of the two parties shows a marked divergence. In the Republican convention each delegate casts an individual vote; that is, as the name of each state is called, the chairman of the delegation announces its vote, subject to an individual poll if his statement is challenged. In 1924, for example, North Dakota's delegation stood seven for Coolidge and six for La Follette; and a poll was demanded, not because the accuracy of the figures was disputed, but because the Coolidge supporters wished to escape any suspicion of being identified with an unpopular cause.⁶³ The right of the individual delegate to cast his own vote as he chooses has been recognized by every Republican convention from 1856 to the present time.⁶⁴ Democratic procedure, on the other

⁶² J. W. Davis is here classified as a New Yorker since he had not resided in his native state of West Virginia for some years.

⁶³ *Proceedings*, pp. 161-163. Only two other delegations were divided. So strong was the feeling against La Follette that the solitary Wisconsin delegate who voted for Coolidge was forced to exhibit himself on the platform. He afterwards took his seat among the Pennsylvania delegates.

⁶⁴ Carl Becker, "The Unit Rule in National Nominating Conventions," *American Historical Review*, Vol. V (1899), p. 75; Kleeberg, *op. cit.*, p. 153. This point deserves emphasis because some writers have fallen into error. Thus Dallingier (*Nominations for Elective Office*, p. 41) says that the unit rule became finally fixed in Republican procedure and was not successfully opposed till 1876. Ernest Harvier (*New York Times*, December 16, 1923) makes a similar misstatement, substituting 1880 for 1876.

hand, permits the whole vote of a state to be cast as a unit, irrespective of the wishes of the minority. The so-called "unit rule" applies to every vote taken in the convention, whether it is upon the approval of a committee report or upon the nomination of a candidate. Down to 1936 there was one other noteworthy difference between Republican and Democratic procedure. In the Democratic convention the candidates for President and Vice-President were chosen by a two-thirds majority, not by a simple majority as in the Republican convention.

The unit rule made its rudimentary appearance in the very first Democratic convention (1832).⁶⁵ It was then provided that "the majority of the delegates from each state designate the person by whom the votes for that state shall be given." This early rule did not compel unanimity; several delegations were divided. But the tendency was to cast a solid vote and thus increase the importance of the state as a factor in any combination. The rule gradually assumed more precise form.⁶⁶ The language employed in 1896 may be quoted in order to show exactly how the rule operated down to the time of its modification in 1912: "When the vote is by states the announcement of the chairman of a delegation is accepted as the correct vote of that delegation unless challenged by some member of it, in which case the delegation is polled in open convention. If the delegation is under unit instructions, the vote of the state is then cast as a unit with the majority; if not, the vote stands as polled." The unit rule prevails, then, only when the state convention has applied it or authorized the state committee to do so. But down to 1912 the right of the state convention to apply it could not be challenged successfully. When, in 1904, the Ohio vote was announced as 46 for Parker and a poll demanded, it was shown that 28 delegates were for Parker, six for Hearst, nine for McClellan, two for Cockerell,

Its origin
and de-
velopment

⁶⁵ On this subject the best guide down to the close of the last century is the article by Carl Becker, already cited (*American Historical Review*, Vol. V, 1899), pp. 64-82.

⁶⁶ In 1860 it was provided (Becker, p. 67) that in any state, *if the state convention had not directed how the vote should be given*, the national convention would recognize the right of each delegate to cast his individual vote. This right, practically speaking, disappeared in 1872 and was not restored till 1896; for, according to the provision of 1872, "the chairman of each delegation shall rise in his place and name how the delegation votes, and his statement alone shall be considered the vote of such state." The chairman's announcement was to be conclusive. The majority could bind the minority, even when the state convention had not applied the unit rule.

and one for Olney. One of the delegates, E. H. Moore, rose to a point of order. "*Mr. Moore*: I desire the ruling of the Chair upon the question whether or not the vote of Ohio can be cast as a unit. The district delegates are chosen in Ohio, not as they are in New York or Indiana, by delegates elected to the State Convention, but by Congressional Conventions held prior to the time of the holding of the State Convention. My point is that the State Convention therefore had no right to instruct these delegates. Second, the rule, as the chair will observe, is a modified one. It does not impose upon the delegates the necessity of voting as a unit. I desire the ruling of the Chair. The district delegates receive their credentials at the District Conventions, held at separate times, by delegates separately chosen, and in no wise hold their credentials from the State Convention. *The Presiding Officer*: The Chair overrules the point of order. By express rule of the Democratic Convention, the delegates come from a State and not from districts. Under the call for delegates to this Convention, each State is allowed as many delegates as it has Senators and Representatives, multiplied by two; and those delegates are the delegates of the State and not the delegates of the districts, no matter how chosen. And even if the call itself did not determine the point of order, the express rule of the Democratic National Convention does determine it. The point of order is overruled, and the poll of the Ohio delegation showing that Parker had received twenty-eight of the forty-six votes to which the State is entitled in this Convention, the vote of Ohio will stand as announced by the chairman of the delegation."⁸⁷

Its modification
in 1912

Now the presidential primary, which affected the delegates from a dozen states in 1912, introduced a disturbing factor. A conflict arose between state law and party rule. The Republican practice of

⁸⁷ Another interesting question, which has arisen in several conventions, appears to have been settled finally in 1914. The Missouri delegation, bound by the unit rule, gave its 36 votes to McAdoo. When the poll was taken, eight delegates answered "Present," refusing to vote. It was contended that, while the majority might claim the Davis votes of three delegates, the eight delegates who abstained from voting could not be counted at all. The permanent chairman ruled (*Proceedings*, p. 346): "I entertain no doubt about this matter. I cannot believe that the contention made by the challenger can be sustained. It seems to me altogether unreasonable that if there are twenty votes in a delegation and fifteen vote for A and five for B, the entire twenty votes must be cast for A, but if fifteen vote for A and five do not vote at all, that only fifteen votes are cast for A. That does not commend itself as a reasonable conclusion. The Chair therefore rules that the vote of the Missouri delegation will be recorded as reported by the chairman."

permitting every delegate to cast an individual vote was not affected. That practice did not at any time, of course, prevent all the delegates of a state from obeying the instructions of the state convention and voting as a unit; it merely safeguarded the rights of any delegate who chose to repudiate such instructions.⁶⁸ So now there could be no objection to a state law that instructed delegates by means of a state-wide preference vote. It was the California law, providing for the election of all the delegates on a general ticket and thus conflicting with the party requirement of election from congressional districts, that was condemned; and in 1913 the national committee, which had received authority to act in the matter, modified the rule so as to sanction the use of the general ticket. In the Democratic party, however, the unit rule was directly challenged. The Ohio state convention had applied the rule and instructed the delegates in favor of Judson Harmon. The question arose as to whether the state convention had any authority to bind district delegates who had been elected at the presidential primary under state law. There was a sharp difference of opinion on this point. The majority report of the rules committee—to which the controversy had been referred—held the instructions binding. But, after a spirited debate on the floor of the convention, a minority report, limiting the application of the unit rule, was adopted by 73 votes.⁶⁹ The modified rule now takes this form: "In casting votes on a call of the states, the chair shall recognize and enforce a unit rule enacted by a state convention, except in such states as have by mandatory statute pro-

⁶⁸ Thus in 1876, when the Pennsylvania convention had applied the unit rule and instructed the 58 delegates to support a favorite son, two of them, refusing to be bound, cast ballots for Blaine. They were permitted to do so by the ruling of the chairman, which the national convention sustained by a vote of 395 to 354 (Kleeberg, *op. cit.*, pp. 155-157). In 1880 the bosses of Pennsylvania, New York, and Illinois laid ingenious plans to fasten the unit rule on the Republican convention, as part of a scheme to bring about the nomination of Grant. This strategic move was frustrated. The convention reaffirmed the settled practice of the past in the famous "Rule 8." This rule provided that: "In the record of the vote by states the vote of each state . . . shall be announced by the chairman, and in case the vote of any state . . . shall be divided, the chairman shall announce the number of votes for any candidate or for or against any proposition; but if exception be taken by any delegate to the correctness of such announcement by the chairman of his delegation, the president of the convention shall direct the roll of members of such delegation to be called and the result shall be recorded in accordance with the votes actually given." Becker, *op. cit.*, p. 79.

⁶⁹ *Proceedings of 1912*, pp. 57 *et seq.*

vided for the nomination and election of delegates and alternates to national political conventions in congressional districts and have not subjected delegates so elected to the authority of the state committee or convention of the party, in which case no such rule shall be made to apply."⁷⁰

Why the
practice of
the two
parties
differs

It is interesting to inquire why the Democratic party has always adhered to the unit rule and the Republican party always repudiated it. The explanation will be found, no doubt, in the diverging tendencies that have characterized the two parties. "The principle which is involved in this controversy," said a Kansas delegate in the Republican convention of 1876,⁷¹ "is whether the state of Pennsylvania shall make laws for this convention; or whether this convention is supreme and shall make its own laws. We are supreme. We are original. We stand here representing the great Republican party of the United States, and neither Pennsylvania nor New York nor any state can come in here and bind us down with caucus resolutions." The Democratic position was thus stated by a Wisconsin delegate in 1884: "I know that in the Republican party—a party which believes that Congress and the Federal government have every power which is not expressly denied and that the states have hardly any rights left which the Federal government is bound to respect—they can adopt in their convention this idea that a state does not control its own delegation in the national convention. Not so in the convention of the Democratic party. We stand, Mr. President, for the rights of the states."

Two-
thirds
rule

The two-thirds rule prevailed in Democratic conventions from the very beginning. It was adopted in 1832 with little or no discussion and readopted in 1835 by a majority of twenty-one votes, after being sharply criticized and at first defeated. Justification was found at the time in the "more imposing effect" of a nomination so made. In 1844, however, the purpose was to eliminate Van Buren. He had a majority in the convention, but less than two-thirds; and after the early ballots his supporters abandoned him and ultimately turned to Polk. The case of Champ Clark in 1912 differed from that of Van Buren; Clark did not receive a majority vote till the tenth ballot.⁷² On no other occasion has a majority candidate been denied the nomination. As a matter of fact a two-thirds majority could be

⁷⁰ *Proceedings* of 1920, p. 85.

⁷¹ Becker, *op. cit.*, p. 81.

⁷² On the first ballot Clark had 441, Wilson 324, Harmon 148, Underwood 117, and Marshall 31.

built up almost as easily in the Democratic convention as a simple majority in the Republican convention; for the unit rule, as Ostrogorski observes, automatically assimilates minorities and "quickens the coagulation of the various elements in the convention." Since the Civil War the Democratic party has nominated eighteen candidates under the two-thirds rule, nine of these on the first ballot, three on the second, one on the fourth, and one on the fifth. The two-thirds rule, whatever reason prompted its adoption over a century ago,⁷³ came to be regarded as the palladium of the slaveholding interest in the South. The Southern states, so long as they held together, possessed an effective veto and could prevent the nomination of any candidate who was antagonistic to their "domestic institution." But the Thirteenth Amendment abolished slavery. The South no longer had a vital interest at stake. After the relaxation of the unit rule nothing but the inertia of tradition perpetuated the two-thirds rule.

Eight months in advance of the convention of 1924 there was talk of abrogating it,⁷⁴ and this became more definite as soon as the deadlock between Smith and McAdoo was foreshadowed.⁷⁵ Nevertheless, without debate or dissent, the convention adopted "the rules of the last Democratic Convention, including the two-thirds rule for the nomination of candidates."⁷⁶ This specific reference to the rule was designed to commit the delegates at the outset and to close the door to any action against it later on. A new movement looking to the abrogation of the rule was set on foot, in May, 1926, by the members of the national committee from Iowa. Several prominent Democrats, including John W. Davis and Josephus Daniels, expressed themselves as favorable to a change, as did also a considerable number of committeemen.⁷⁷ But the project was dropped. It assumed definite shape again in 1932. Franklin D. Roosevelt, though controlling a majority of the delegates, feared that his chief antagonist, Alfred E. Smith, would combine with six "favorite sons"

Its abolition proposed

⁷³ It may be of interest to recall that the rules of the first national convention—that of the Anti-Masons—required a three-fourths majority for the nomination. Stanwood, *op. cit.*, p. 156.

⁷⁴ *New York Times*, November 6, 1923.

⁷⁵ *Ibid.*, April 25, 1924.

⁷⁶ The adoption of the two-thirds rule had no effect upon the nomination. At the peak McAdoo lacked 21 votes of a simple majority; Smith, 182. See the recapitulation of the balloting, *Proceedings*, pp. 974-979.

⁷⁷ See the *New York Times*, May 23 and 24, June 3, August 12, and September 17, 1926.

and deadlock the convention. Four days before the meeting of the convention his manager announced the intention of abolishing the two-thirds rule.⁷⁸ The announcement met with much bitter criticism.⁷⁹ It was a confession of weakness. It violated the standards of sportsmanship by proposing to change the rules in the middle of the game. Several members of the Texas delegation made threats of bolting, while Governor Murray of Oklahoma said that abrogation would mean a third party. Others maintained that it was unfair to abolish the two-thirds rule while clinging to the unit rule.⁸⁰ Notwithstanding the extent and virulence of criticism, the *New York Times* estimated that the proposal would have the support of 613 of the 1,154 delegates.⁸¹ Apparently, however, Governor Roosevelt saw that, by pressing the issue, he would alienate many Democrats and imperil his election. He abandoned the plan. "I believe and have always believed," he said,⁸² "that the two-thirds rule should no longer be adopted. Nevertheless, it is true that the issue was not raised until after the delegates to the convention had been selected, and I decline to permit myself or my friends to be open to the accusation of poor sportsmanship or to use methods which could be called, even falsely, steam-roller."

Action
taken
in 1936

The convention of 1932 did, however, recommend that the question of abolishing the rule should be taken up again by the next convention. In 1936 the committee on rules, by a vote of 36 to 13,⁸³

⁷⁸ *New York Times*, June 24, 1932.

⁷⁹ *Ibid.*, June 25 and June 26.

⁸⁰ Thus Robert O. Jackson, secretary of the national committee and a supporter of Roosevelt, said: "The unit rule was devised with the two-thirds rule. Andrew Jackson devised it so as to make the fulfillment of the two-thirds requirement possible. If the new rules proposed by our side are adopted, they should, in my opinion, release to act individually all delegates who have not been chosen in a primary held pursuant of statute. Otherwise we should be pressing a double advantage." *Ibid.*, June 26, 1932.

⁸¹ *New York Times*, June 27, 1932. According to this estimate, six of the ten states of the Solid South and three of the six border states favored the change. The two-thirds rule did not, in fact, give the South a veto over presidential nominations. If all the delegates of sixteen states had held together, they would have had 378 votes or seven less than a third of the 1,154. They could not muster a third after the convention of 1900. It should be noted that the rules committee at first voted (30 to 20) that, after the first six ballots, the convention should decide whether or not to drop the two-thirds rule. But it soon appeared that the proposal was likely to be defeated in the convention. The committee rescinded its action.

⁸² *Ibid.*, June 28, 1932.

⁸³ *Ibid.*, June 28, 1932.

decided to propose such a change; and the convention, without a roll call, followed its advice.⁸⁴ According to its chairman, Bennett Champ Clark,⁸⁵ there was in the committee "an absolute absence of sectional feeling, of personality, or of rancor of any sort. . . . Mr. Chairman, there could be no sectional issue, because no section of the United States could be injured or affronted by being subjected to the will of the majority of the Democratic national convention. And, thank God, Mr. President, the Democratic Party is no longer a sectional party; it has become a great national party. . . . I say only that whatever reason there may have been for the two-thirds rule, in my judgment, passed with the Civil War, and the two-thirds rule should have been abolished with the abolition of slavery." The Solid South acquiesced in the change, but not without exacting compensation. The national committee was instructed to formulate and recommend to the next convention an improved system of apportioning delegates, one based upon Democratic strength in each state.⁸⁶ The new rule of 1940 gave two extra delegates at large to states casting a Democratic electoral vote.^{86a}

NOMINATION OF THE CANDIDATES

Nomination of the presidential candidate has sometimes involved a prolonged deadlock. In 1852 the Democrats chose Pierce on the forty-ninth ballot; the Whigs chose Scott on the fifty-third. Striking instances have occurred in recent Democratic conventions, forty-six ballots being required in 1912, forty-four in 1920, and one hundred and three in 1924. On the last occasion, which stands by itself for the long persistence of the deadlock, the balloting continued for nine days.⁸⁷ These cases are far from being characteristic, however. During the past fifty years ten of the thirteen Republican candidates were nominated on the first ballot, Hughes (1916) on the third, Harding (1920) on the tenth, Willkie (1940) on the sixth.⁸⁸ Eight of the Democratic candidates were nominated on the first ballot, Roosevelt (1932) on the fourth, Bryan (1896) on the fifth,

Prolonged
balloting
unusual

⁸⁴ *Proceedings* of 1936, p. 192.

⁸⁵ *Ibid.*, p. 191.

⁸⁶ *Ibid.*, p. 190.

^{86a} *Proceedings*, 1940, p. 201, and p. 539 *supra*. The South had expected a more drastic change—as to district delegates. *Ibid.*, pp. 343-355.

⁸⁷ There are only two other notable cases to be mentioned. The Democrats in 1868 nominated Seymour on the twenty-second ballot; the Republicans in 1880 nominated Garfield on the thirty-sixth.

⁸⁸ In the preceding nine conventions (1856-1888) the Republicans made their nominations four times on the first ballot and once each on the third (1860), fourth (1884), seventh (1876), eighth (1888), and thirty-sixth (1880).

and the three others as noted above.⁸⁹ It appears that the "favorite" wins on the first trial of strength, wins because he is the "general favorite" or "logical candidate," two-thirds of the time in Republican conventions, one-half the time in Democratic. Against Coolidge in the Republican convention of 1924 only forty-four of the 1,109 votes were cast—ten for Johnson and thirty-four for La Follette; against Landon in 1936 only nineteen. Difficulty arises when there are two favorites contending on fairly equal terms or when the "field" combines against a single favorite, as it did to encompass the defeat of Van Buren in 1844 and Blaine in 1876.

"Favorite
sons" and
"dark
horses"

The field consists for the most part of favorite sons, that is, of politicians who have won local, and perhaps at the same time even national, prominence as governor of the state, or as United States senator, or as a member of the federal cabinet and who have in the convention the backing of their state with relatively little support elsewhere. Some favorite sons just fall short of being favorites from the national standpoint. Their availability on the ground of personal fitness and residence in a doubtful state gives them a standing with the newspapers and public as "presidential possibilities." They entertain lively hope of profiting by some happy turn of events which will put the favorite out of the running. Others are more obscure men, neutral in color, perhaps mediocre in intellect, and qualified chiefly by a reputation of being popular with all factions and quick to respond to the party whip. They are not avowed candidates; sometimes they are not even favorite sons in the sense of having the open support of the delegates of their own state; indeed, they expressly deny all ambition, in order to create an atmosphere of good feeling and profit by the last will and testament of those who are killed off in the course of the balloting. Among these we find the "dark horses." James K. Polk (1844) was the first in our political history. Polk received no votes whatever until the eighth ballot and yet was nominated on the ninth. In 1852 Pierce was ignored till the thirty-fifth ballot, when Virginia gave him fifteen votes; on the forty-eighth, he had only fifty-five votes; and then occurred the "stampede" which made him the choice of the convention on the forty-ninth ballot.⁹⁰ The dark horse is not always a politician of

⁸⁹ In the period 1832-1888 six Democratic candidates were nominated on the first ballot, three on the second, one on the fourth, one on the ninth (1844), one on the seventeenth (1856), one on the twenty-second (1868), one on the forty-ninth (1852), and one on the fifty-ninth (1860).

⁹⁰ In 1932 John I. France of Maryland made a daring, but ineffectual, attempt

second or third rank. Horatio Seymour, nominated by the Democrats in 1868, was one of the ablest leaders of his party.⁹¹

The hope of a favorite son or dark horse lies in the elimination of the favorites. Deadlock alone can give him his chance. If the tide can be stemmed, if the process of consolidating a majority behind one or other of the leading candidates can be arrested, it is then anybody's race. As each ballot is cast, the managers hurry about, persuading, cajoling, imploring delegates to stand fast in their neutral position outside the lines of the major combat. But neutrality is not easy to maintain. Tremendous pressure is exerted on behalf of a candidate who has victory almost within his grasp. Alluring promises are made: a place in the cabinet perhaps, or a foreign embassy. The favorite son, never sure that a "break" or "stampede" may not take place at the next moment and shatter his cherished dreams of the White House, may well be tempted to exchange those dreams for something less imposing, but more substantial. He releases his delegates; others follow his example; and the deadlock is broken. It is not easy to keep the favorites in a pocket. Wilson, breaking through, won on the forty-sixth ballot in 1912; Cox, on the forty-fourth in 1920.⁹² In the Republican convention of 1880, however, the long

Their
only hope

to stampede the Republican convention for Coolidge. After he himself had been nominated, he rushed to the center of the platform, seeking to withdraw his own name and propose that of the former President. The fiery speech that he had prepared was not delivered. Although he held the proxy of a delegate from Oregon, the chairman refused to accord him the floor on the ground that Oregon had been passed in the call of the states. It was necessary for the police to remove Dr. France and take him to the temporary police station in the Stadium.

⁹¹ "On the twenty-first vote," says Stanwood (*op. cit.*, p. 326), "the contest was apparently narrowed down to Hancock and Hendricks, neither of whom was acceptable to New York. At this point a sensation was created. When the votes of a few states had been recorded at the twenty-second trial, some votes were given to Horatio Seymour, the president of the convention. Mr. Seymour promptly refused to be a candidate, but there was a hurried consultation, and the vote was persisted in. More votes were given to Seymour, and a 'stampede' began. . . . The changes of votes went on, amid the greatest excitement and enthusiasm, until he was made the nominee of the convention by 317 votes,—a full convention."

⁹² On the first ballot in 1920 votes were cast for twenty-three candidates, among whom were Bryan with one vote and Underwood with half a vote. There were three favorites: McAdoo, 266; Palmer, 256; and Cox, 134. Cox received 295 votes on the seventh ballot and passed Palmer; 404 votes on the twelfth and passed McAdoo. On the thirteenth ballot he fell behind McAdoo. On the thirtieth he passed McAdoo once more and thereafter moved steadily forward to the nomination.

deadlock between Blaine and Grant was brought to an end by the sudden emergence of Garfield, a dark horse from Ohio. To the very end Grant held his delegates intact; but, as soon as the break began, Blaine's forces melted away, as did those of the favorite sons, including Sherman of Ohio. Again, in the Republican convention of 1920, the favorites were eliminated, three of them on this occasion—Johnson, Lowden, and Wood; and the convention turned naturally to Harding, who alone among the favorite sons had the full attributes of availability.⁹³ In 1924, long after it had become apparent that neither Smith nor McAdoo could win a majority, let alone the two-thirds that the Democratic rules required, their supporters held together with the greatest constancy. The first signs of a break to Davis came on the ninety-fifth ballot. Davis gained slowly at first, then shot forward with accretions of a hundred votes at a time, and stampeded the convention on the hundred-and-third ballot.

If there is but one favorite, he must win on the first ballot or succumb before the pooled resources of the favorite sons. Possible exceptions may be noted in the case of Tilden, who was nominated on the second ballot in 1876, and Hughes, who was nominated on the third in 1916; but Hendricks in the one instance and Weeks in the other might fairly claim to be regarded as favorites, although the strength of each was far below that of the leading candidate. An interesting situation occurred in the Democratic convention of 1932. There were two favorites, Roosevelt and Smith, the former having developed great strength as a "general favorite" (666 votes on the first ballot against Smith's 201); and there were also six favorite sons. The "stop-Roosevelt" movement was so well organized that the leading favorite gained only eleven votes on the second ballot and five more on the third. According to precedent his forces should have melted away. On the contrary, while Smith's supporters held firm, the favorite sons were deserted. Roosevelt received 263 of their votes (and the nomination) on the fourth ballot. What was responsible for the "break"? On the third ballot Roosevelt stood within eighty-eight votes of the necessary two-thirds. Garner could furnish them—forty-six from Texas (his own state) and forty-four

⁹³ There was no mystery about the choice of Harding. Four years earlier, while acting as temporary and permanent chairman of the convention, he had been suggested as a dark horse. Since he was a genial, tractable man, satisfactory to the leaders and backed by the pivotal state of Ohio, it needed no secret cabal in room 211 at 2:11 in the morning to bring about his nomination. Dunn, *op. cit.* (1922), Vol. II, pp. 397-399.

from California. He did so, apparently on the advice of his backer, William Randolph Hearst, who feared that, if the deadlock continued, victory would go at last to his personal enemy, Smith. Garner got the Vice-Presidency as a reward.

The fluctuations of the vote in a protracted contest are the result of hidden manoeuvres which the public can only dimly apprehend. The erratic movements of the barometer may well baffle and confuse all but the specialists, the trained observers of these strange meteorological phenomena. In the Democratic convention of 1924 the McAdoo vote rose and fell in the most perplexing fashion:

Reasons
for fluctua-
tions in
the ballot-
ing

<i>Ballot</i>	<i>Vote</i>	<i>Ballot</i>	<i>Vote</i>
1	431 ⁹⁴	70	528
15	479	92	310
33	404	96	421
40	506	100	190
55	426	101	152

The Smith vote varied within narrower limits. Rising gradually from 241 on the first ballot to 312 on the seventeenth, thereafter it never exceeded 368 or fell below 307 till the hundred and first ballot. Then the greater part of the Smith forces passed over to Underwood. At different times favorite sons emerged from obscurity, made a rapid spurt, and then fell back into the ruck;⁹⁵ and towards the end Senator Walsh of Montana, permanent chairman of the convention, came forward as a dark horse.⁹⁶ Such shifts and changes are not fortuitous. Every move is calculated with a nice attention to its bearing on the higher strategy. Behind the scenes the manager for each candidate disposes of his forces with the cool detachment of a Ludendorff, now delivering an attack to test the strength of a particular salient or to create a diversion, now abandoning the front-line trenches as he awaits the outcome of negotiations for a new alliance, and at last massing all his resources for a final drive. "The wary tactician awaits his opportunity," says Bryce;⁹⁷ "he improves the brightening prospects of his aspirant to carry him with a run before the op-

⁹⁴ For the necessary two-thirds majority 729 votes were required.

⁹⁵ Glass of Virginia was carried to 78 votes on the eighty-second ballot; Ralston of Indiana, to 97 in the fifty-fifth and 196 on the ninety-second; Underwood, whose previous maximum had been 50, to 229 on the hundred-and-first and 317 on the next ballot.

⁹⁶ He received 52 votes on the hundredth ballot, 98 on the next, and then, in the final effort, 123.

⁹⁷ *American Commonwealth*, Vol. II, p. 199.

position is ready with a counter move; or if he sees a strong antagonist, he invents pretexts for delay till he has arranged a combination by which that antagonist may be foiled. Sometimes he will put forward an aspirant destined to be abandoned, and reserve till several votings have been taken the man with whom he means to win. All these arts are familiar to the convention manager, whose power is seen not merely in dealing with so large a number of individuals and groups whose dispositions he must grasp and remember, but in the cool promptitude with which he decides on his course amid the noise and passion and distractions of twelve thousand shouting spectators." ⁹⁸

Selection
of vice-
presiden-
tial candi-
dates

When the presidential candidate has been selected, the convention turns its attention, after a recess, to the office of Vice-President. The proceedings are perfunctory. As the office is held in little esteem and even regarded as a fatal bar to future preferment in a political career, ambitious men can rarely be induced to accept it. As a rule, motives of expediency determine the choice. Preference is given to a doubtful state. The ticket is balanced, when the great prize has been awarded to the East, by choosing a Western man for the second place—Wilson of New Jersey and Marshall of Indiana, Hughes of New York and Fairbanks of Indiana; or, reversing the arrangement, Cox of Ohio and Roosevelt of New York, Harding of Ohio and Coolidge of Massachusetts. Or the object is to placate not so much some geographical region as a faction of the party which has

⁹⁸ Strange as it may seem, considering their open activity in the pre-convention campaign, avowed candidates cannot—or till recently could not—appear upon the actual scene of operations without being held guilty of a breach of good taste. They usually remain at home, though in constant communication with the chief-of-staff over a special wire. In 1912, however, Roosevelt established himself in Chicago and at a critical moment was almost persuaded to take personal command of his supporters at the auditorium. Champ Clark made a secret journey from Washington to Baltimore in a fast car. He had planned a dramatic surprise. "He was going to appear alone in the back of the convention hall, and coming down the aisle he was going to demand the right to speak on a matter of personal privilege and clear himself of 'the infamous charges made by his traducers.'" Appearing as a martyr, he might have broken the wearisome deadlock. Unfortunately a newspaper correspondent overheard, through an open transom, the rehearsing of Clark's speech in a hotel bedroom. The element of surprise was lost. The project had to be abandoned. *Behind the Scenes in Politics* (Anon., 1924), pp. 97-99. The tradition of self-effacement may be passing away. Al Smith and five of the six favorite sons attended the Democratic convention of 1932. All the chief aspirants attended the Republican convention in 1920; all but Landon in 1936; and all without exception in 1940. The presidential primary has affected manners.

reason to be dissatisfied with the presidential candidate or the platform. In 1924 William Jennings Bryan, still the "peerless leader" and oracle of many ardent Democrats, at first sulked in his tent and refused to picture John W. Davis (the presidential candidate) in the rôle of popular tribune. His aloofness would bring disaster in the election; radical Democrats would pass over to the Progressives and give their support to La Follette. There was a hurried conference, in which Davis took part; and at the last moment, when the balloting was about to begin, a new name was presented to the convention. Bryan's brother became the vice-presidential nominee.

Republican
difficulties
in 1924

In that same year the Republicans gave much thought to the selection of a candidate for the vice-presidency. They did so, not merely because there was nothing else to think about,—President Coolidge having no serious rival for first place on the ticket,—but also because the potential importance of the office had been emphasized in two ways. In the first place the physical collapse of President Wilson and the death of President Harding had drawn attention to the constitutional significance of the vice-presidency; and in the second place the irruption of the Progressives under La Follette had raised some doubt as to whether the electoral college or the House of Representatives would be able to choose a President. The conditions were peculiar. It seemed possible, to some even probable, that La Follette would draw enough Republican votes in the West to deprive Coolidge of a majority in the electoral college.⁹⁹ In that case the House of Representatives would proceed to choose a President from among the three highest candidates—Coolidge, Davis, and La Follette. But the Constitution provides that the House shall vote by states and that a majority of all the states shall be necessary to a choice. According to the party complexion of the House at that time the Republicans controlled twenty-three states and the Democrats twenty, the other five state delegations being equally divided and therefore unable to vote.¹⁰⁰ Apparently the required majority would be lacking; and therefore the Vice-President, elected by the Senate

⁹⁹ The *New York Times* in an editorial forecast (July 13, 1924) assumed that La Follette might get 62 electoral votes and Davis 207. Coolidge then—even with New York, Ohio, Missouri, and New Jersey—would be four short of a majority.

¹⁰⁰ These five were: Maryland, Montana, Nebraska, New Hampshire, and New Jersey. *Congressional Record*, April 17, 1924, p. 6762. The Republicans could count fully on only twenty states; for La Follette dominated the Wisconsin delegation and might be able to control the votes of Minnesota and North Dakota.

from the two highest candidates, would succeed to the presidency.¹⁰¹ This may serve to explain why the Republicans desired a vice-presidential candidate of outstanding ability. They met with rebuffs. Senator Borah, mentioned in the press as acceptable to President Coolidge, definitely withdrew his name; so did Lowden of Illinois, who had been one of the presidential favorites in 1920. Nevertheless, Lowden was nominated on the second ballot.¹⁰² He declined the nomination, probably not without thoughts of a more distinguished honor in 1928; and the convention turned to Charles G. Dawes on the next ballot. The predicted deadlock did not materialize in the election. Coolidge swept the country outside of Oklahoma, Tennessee, and the Solid South. But once more, as in the days of Roosevelt, a vivid and picturesque personality gave the office of Vice-President a certain prestige in the mind of the public.

Ostrogorski's
criticism
of the
national
convention

With the nomination of the Vice-President the task of the convention is completed.¹⁰³ It has been a great spectacle. Few among the audience can have remained impassive through the succession of dramatic episodes or resisted the appeal to the senses of so much color and movement. As to whether the proceedings are appropriate to the serious business that is being discharged, serious alike to the party and the government, opinions will differ. The Russian Ostrogorski, as a detached but somewhat cynical observer, sums up his impressions in the language of disillusionment.¹⁰⁴ "At last," he says, "after a session of several days the end is reached; the convention adjourns *sine die*. All is over. As you step out of the building you inhale with relief the gentle breeze which tempers the scorching heat of July; you come to yourself; you recover your sensibility, which has been blunted by the incessant uproar, and your faculty of judgment, which has been held in abeyance amid the pande-

¹⁰¹ But here again a difficulty arose. Neither party could command the needed majority of 49 votes. The balance of power rested with the two Farmer-Labor senators (Shipstead and Johnson) and the five members of the La Follette group (La Follette, Brookhart, Frazier, Ladd, and Norris).

¹⁰² On the first ballot the votes were distributed among fourteen persons. The leaders were: Lowden 413, Burton 288, Dawes 111, and Kenyon 95—all men of large caliber.

¹⁰³ Except that the Republicans elect at this stage committees to notify the candidates of their nomination, each state delegation naming a member. In Democratic practice these committees are elected at the same time as the other committees of the convention.

¹⁰⁴ *Op. cit.*, Vol. II, pp. 278-279.

monium in which day after day has been passed. You collect your impressions, and you realize what a colossal travesty of popular institutions you have just been witnessing. A greedy crowd of office-holders, or of office-seekers, disguised as delegates of the people, on the pretence of holding the grand council of the party, indulged in, or were the victims of, intrigues and manoeuvres, the object of which was the chief magistracy of the greatest republic of the two hemispheres,—the succession to the Washingtons and Jeffersons. With an elaborate respect for forms extending to the smallest details of procedure, they pretended to deliberate, and then passed resolutions settled by a handful of wire-pullers in the obscurity of committees and private caucuses; they proclaimed as the creed of the party, appealing to its piety, a collection of hollow, vague phrases, strung together by a few experts in the art of using meaningless language and adopted still more precipitately without examination and without conviction; with their hand upon their heart, they adjured the assembly to support aspirants in whose success they had not the faintest belief; they voted in public for candidates whom they were scheming to defeat. Cut off from their conscience by selfish calculations and from their judgment by the tumultuous crowd of spectators, which alone made all attempt at deliberation impossible, they submitted without resistance to the pressure of the galleries masquerading as public opinion, and made up of a clique and of a raving mob which, under ordinary circumstances, could only be formed by the inmates of all the lunatic asylums of the country who had made their escape at the same time. Here this mob discharges a great political function; it supplies the ‘enthusiasm’ which is the primary element of the convention, which does duty for discussion and controls all its movements. Produced to order of the astute managers, ‘enthusiasm’ is served out to the delegates as a strong drink, to gain completer mastery over their will. But in the fit of intoxication they yield to the most sudden impulses, dart in the most unexpected directions, and it is blind chance which has the last word. The name of the candidate for the Presidency of the Republic issues from the votes of the convention like a number from a lottery. And all the followers of the party, from the Atlantic to the Pacific, are bound, on pain of apostasy, to vote for the product of that lottery. Yet, when you carry your thoughts back from the scene which you have just witnessed, and review the line of Presidents, you find that if they have not all been great men—far from

it—they were all honorable men; and you cannot help repeating the American saying: 'God takes care of drunkards, of little children, and of the United States!'" Equally severe criticism has been voiced by American observers in recent years. Indeed, the radio, revealing almost incredible follies, has done much to lower the prestige of the national convention.

NOTE: Ostrogorski's reference to "a greedy crowd of office-holders, or of office-seekers," now needs some qualification. The Hatch Act of 1939 forbids persons employed in the national administrative service to use official authority for the purpose of interfering with or affecting the nomination or election of any candidate for federal office or to take any active part in political management or political campaigns. Such persons cannot, therefore, serve as delegates, sit on committees, or engage in demonstrations. The significance of the act is discussed by L. V. Howard, "Federal Restrictions on the Political Activity of Government Employees," *American Political Science Review*, Vol. XXXV (1941), pp. 470-489.

Part V
ELECTIONS

Chapter XXII

CAMPAIGN METHODS

The presidential campaign—which may be regarded as typical of all campaigns, except that it is more elaborate, more intense—does not get fairly under way until the close of August.¹ There have been exceptions. Thus, in 1936, the chairman of the Republican national committee toured New England in the latter part of July, delivering a dozen speeches, and then visited sixteen Western states by airplane.² These early forays were designed chiefly to wake Republicans from their apathy and to repair dilapidated local organizations. But they had the effect of starting the campaign a month ahead of the normal time and of increasing the expenses for both parties by a half million dollars or so.³ The speech of acceptance, which the presidential candidate delivers in the middle of August or a little

Opening
of the
campaign

¹ The fact that many states hold their primaries in August is taken into consideration. Thus in 1920, according to the *New York Times* (July 27), the Republican national committee was "particularly anxious not to be involved in factional fights. This means not only that the national campaign will lag in states in which the primaries are still to be held, but that men considered speakers of national reputation who are involved in political fights will be kept off the national platform." It is also true that, for the ordinary citizen, the months between June and September are vacation time and that, in farming communities, they are the period reserved for putting in or harvesting the crops.

² Delivering fifty speeches, of which nineteen were broadcast by radio. The Democratic chairman asserted that "we are starting the campaign in every state on August 1." The limitation of funds (1940) now prevents such activity.

³ In England the campaign lasts for seventeen days; in pre-Vichy France it lasted for three weeks. There are manifest advantages in a short, concentrated campaign. Notwithstanding the vast area of our country, means of communication have so improved that a period of two and a half months now seems absurdly long, whatever may have been desirable fifty or seventy-five years ago. The electorate, we must also hold in mind, has already been prodded into activity during the campaign for nominations. Such prolonged efforts are unnecessary. Indeed, the average voter has made up his mind before the politicians begin their formal assault with speeches and literature. Alfred E. Smith, Democratic candidate for the presidency in 1928, has suggested that the national conventions should be held early in September. "Common Sense in Conventions and Campaigns," *Saturday Evening Post*, June 11, 1932, p. 6.

later, marks the opening of the campaign; perhaps one should say that it used to do so, because Roosevelt, in 1932, 1936, and 1940, delivered the speech immediately after the adjournment of the national convention.⁴ During July and the first half of August the main lines of strategy have been laid down, organization perfected, and some progress made in the collection of funds. Each party has set up headquarters. Practice has varied; but latterly the Democrats have preferred New York, the Republicans Chicago.⁵ In addition to a large clerical force, the headquarters require the services of experts to staff the various bureaus that deal with specialized phases of the campaign. Money is needed at once,⁶ more and more of it as the campaign develops and the volume of business grows. Each separate service expands slowly or rapidly according to the success of the treasurer in accumulating material resources. Other units may mark time in July and early August, and wait for marching orders; but the treasurer and his assistants are engaged in active service, foraging for supplies. An army is dependent upon its commissariat.⁷

Responsibility for the direction of the campaign may rest with the presidential candidate. Theodore Roosevelt and Calvin Coolidge

⁴ See comments upon the speech of acceptance in Chapter XXI, pp. 570-573.

⁵ Sometimes branch headquarters are established at various points: in 1924, by the Republicans, in New York, Washington, Boston, Denver, and San Francisco; by the Democrats, in Chicago, Washington, and Denver. Donald Macgregor in the *New York Times*, September 7, 1924. In 1932, when the Republicans had a branch in New York, the Democrats rejected the proposal to have branches in Chicago and in San Francisco or Los Angeles. R. V. Peel and T. C. Donnelly, *The 1932 Campaign* (1935), pp. 108-109 and 112. In 1940 the Republicans operated from New York as well as Chicago.

⁶ It may be needed all the more imperatively because of debts incurred in the last presidential campaign. Deficits after the campaigns of 1936 and 1940 were: Democrats, \$445,000 and \$423,000; Republicans, \$915,000 and \$345,000. Louise Overacker in *American Political Science Review*, Vol. XXXV (1941), pp. 703, 724. The Democratic deficit of 1928 was \$1,600,000.

⁷ It must not be supposed that the national committee remains in a state of suspended animation between presidential campaigns. The activity of the committee in off-years has already been remarked in Chapter XIV. The Republican treasurer, Mr. Upham, testified in 1920 that, in the eighteen months preceding the convention, the national committee had spent nearly \$1,200,000 for headquarters, publicity, and general expenses. The chairman of the Senate investigating committee pointed out that there was no campaign then being conducted. Mr. Upham replied: "There was with Will Hays. . . . Yes, all the time. He had headquarters, active headquarters, in active operation, at Washington, New York, Chicago, and at San Francisco during all that time." *Hearings before the Sub-Committee of the Senate Committee on Privileges and Elections*, 66th Congress, 2nd session, Vol. II (1921), pp. 2127-2128.

kept strategy in their own hands.⁸ So did Hoover in 1928. He chose as national chairman Dr. Hubert Work of Colorado, a close friend and colleague in the cabinet, who had conducted his preconvention campaign. The country took the appointment as an indication "that Mr. Hoover expected to be his own manager and run his own campaign. It was no Hanna-McKinley relationship. Hoover was easily the dominating personality of the two and throughout the campaign Dr. Work was distinctly a willing subordinate laboring industriously in his master's service."⁹ The campaign was directed from Washington. In 1932, Hoover then being in the White House and occupied with official business, a different course seemed appropriate. At the start Everett Sanders, national chairman, conducted operations in Chicago. It was only late in the summer, when Republican prospects began to look bleak, that the President intervened.¹⁰ Governor Smith, Democratic candidate in 1928, maintained

⁸ See, for example, "Coolidge Dictated Campaign Policies," *New York Times*, November 9, 1924.

⁹ Peel and Donnelly, *The 1928 Campaign* (1931), p. 37.

¹⁰ Peel and Donnelly, *The 1932 Campaign* (1935), pp. 109 and 159. A peculiar aspect of Republican organization was the setting up of an executive committee of fifteen members, empowered by the national committee to act with its authority, yet appointed by the President irrespective of membership on that body. "In the present campaign," said Charles Willis Thompson, "the Republicans have gone a long step further than ever before in the way of centralization. They have taken a step which may have momentous results in the evolution of organization, though this depends on whether it proves to be a success. It is a far advance in centralization, and if followed to its logical conclusion would ultimately reduce State representation in the machine to a mere name.

"The Republicans had already come to make great use of the executive committee of the national committee, which in the last campaign had a sort of directive power over the movements of the machine. But this year they have gone much further, and have created a committee of fifteen which personally represents President Hoover and his counselors. It requires no prophet to foresee that this new and anomalous committee, a committee without precedent, can in no long time dominate all future national committees and even their executive committees.

"The reason is simplicity itself; the new committee represents the candidate, and in any conflict of opinion between it and the representatives of the forty-eight States on the official machine the candidate's wish would control. It may even come about as early as this very campaign. In every State matters of policy, down to the smallest, may then be directed by the candidate, speaking through his fifteen personal representatives. In the hands of a man of strong character, like Theodore Roosevelt or Woodrow Wilson, such power would be little short of imperial, so far as the campaign went. Ultimately, of course,

a natural ascendancy over his less experienced and less astute subordinates.¹¹ Governor Franklin D. Roosevelt was in a somewhat different position four years later. He relied much upon the sagacious advice of his faithful Achates, Louis McHenry Howe, and of Chairman James A. Farley. The latter won a high reputation for shrewd judgment and skilful generalship. His power increased after the death of Howe in April, 1936. Even so, he rose no higher than chief of staff. Breaking with Roosevelt over the third-term issue, he retired before the campaign of 1940 began.

National
chairman
in com-
mand

Usually the chairman exercises a final authority, as Mark Hanna did in the McKinley campaigns, without being fettered by instructions or harassed by the necessity of submitting his decisions for approval.¹² He does, of course, confer with the candidate and the executive committee; he seeks and takes advice from every quarter: from the elder statesmen of the party and the veterans of earlier campaigns; from shrewd politicians whose acquaintance with the situation in Indiana or Missouri will save him from becoming embroiled in some factional controversy; and from individual members of the national committee who, doing field service in their own states, help him to integrate the local campaign with the national campaign and secure the cordial coöperation of the local committees. The national campaign is something more than a colossal busi-

even the committee of fifteen itself would come to be directed by the three or four men on it who were closest to the candidate." "The Great American Game of Politics," *New York Times Magazine*, July 3, 1932.

¹¹ Smith made sure of raising ample funds, but shocked many Democrats, by surrounding himself with millionaires: John J. Raskob (hitherto a Republican) as chairman of the national committee; James W. Gerard as treasurer; Herbert H. Lehman of New York as chairman of the finance committee; Jesse H. Jones of Texas as chairman of the advisory committee on finances; and Senator Peter B. Gerry of Rhode Island as chairman of a new advisory board. Not only did Raskob represent big business. Like Smith he was a Roman Catholic and a pronounced enemy of prohibition, characteristics that alienated Democrats in the South.

¹² In 1940 Wendell L. Willkie himself determined the broad lines of Republican strategy and selected the issues. He relied more upon his personal staff (Davenport, Douglas, etc.) than upon the regular organization, headed by Chairman Joseph W. Martin, Jr., minority leader in the House. He did so partly from natural inclination, but still more because the need of detaching support from Roosevelt could not, as the experience of 1936 indicated, be met by emphasis upon party tradition. Seasoned politicians were pushed aside by amateurs. Some of them, having been slighted, became critical of Willkie and pointed to his mistakes with satisfaction. In his stump tours Willkie spoke frequently and did at times show lack of caution in extemporaneous remarks.

ness enterprise; and the chairman must therefore have something more than executive talents of a high order, large vision combined with a mastery of detail, the ability to get sound information and to use sound judgment in applying it. He must know how to handle men. High-spirited, volunteer troops are likely to resent an authoritative tone, a word of command. The chairman must employ the arts of persuasion—patient, tactful, conciliatory methods. But the diplomatic manner need not imply infirmity of purpose or subservience to others. It is possible to give way gracefully in small things and reserve the substance of power. The chairman, with or without consulting the candidate, settles all questions of higher strategy, what issues shall be stressed, what reply made to a challenge from the other side. Surveying the whole theater of battle, at one moment he rushes reinforcements to repel an attack upon an exposed position, at another he concentrates his strength in a doubtful state and strikes hard where the enemy's lines are wavering. Promptitude and energy are required; the shifting situation will not permit the delay involved in reaching a collective decision.

The members of the national committee do help to integrate national and local efforts. In 1932, however, the Democrats devised a more elaborate arrangement. "It was determined," says Louis McHenry Howe,¹³ "that the state organizations themselves, not only theoretically, but in reality, were to be entirely responsible for the campaign in their respective territories. That there might be no misunderstanding on this point, a second tradition was ignored. All state chairmen were called to the headquarters in groups of ten and twelve from contiguous states. They met with the national chairman and with the old experienced leaders of the party at two long meetings each day, and generally a meeting at night, for three days. At these meetings they told those in charge of the central organization of the conditions in their own localities and in return were made to realize that the statement [that] they were to be solely responsible and upheld was no flattering gesture. The success of this radical experiment was instantaneous. Every state chairman went back feeling he was a person of real importance, of real responsibility, and determined to work as he had never worked before for the success of the Democratic party. The next radical change was in the advisers at headquarters. Governor Roosevelt held that, no matter how wise any act of advisers might be, after they had been away from their own localities and out of touch with distant states three

His relation to local leaders

¹³ "Presidential Campaign Methods," *New York Times*, December 13, 1936.

or four weeks they were unable always to judge situations correctly. So, instead of a permanent board, a system of 'visiting counselors' was set up. During the campaign practically every leader of importance, including the national committeemen, was called to headquarters for a tour of duty. Consequently the advisory board was always changing, but it always maintained a majority of advisers who had been at headquarters some time, so the continuity of the plan was never broken. This also proved a highly successful innovation."

Chairman
Farley

Farley and Howe insisted upon close coöperation among national, state, county, and precinct leaders.¹⁴ They communicated directly with all of them. Like James G. Blaine, Farley had the rare faculty of remembering names and faces. He became acquainted with everyone of political importance from Maine to California; and, distinguishing between strong men and weak men, he made his plans accordingly. There were, of course, problems that called for something more than personal contacts; for example, how to get accurate data about changing—perhaps rapidly changing—conditions in different areas. Formerly, information had been obtained from national committeemen and state chairmen or, in special emergencies, from scouts dispatched from headquarters. The results had often been unsatisfactory. Headquarters, therefore, made use of the newspaper-clipping bureaus and received daily all apposite items, at times as many as 15,000. "These were passed through the hands of expert readers," we are told,¹⁵ "and those which had a bearing on the situation were set aside, taken out and handed to expert condensers, also trained newspaper workers. These men condensed into a few lines the importance of the clipping or editorial, and every national committeeman and every adviser at headquarters, as well as the campaign chairman, the Governor and his own immediate advisers, received copies every day."¹⁶

¹⁴ In 1936 Farley claimed, in the face of contrary straw votes, that Roosevelt would win every state but Maine and Vermont. He was able to forecast the result so accurately because of a stream of reports coming directly from state chairmen, but ultimately, through the medium of county chairmen, from the precinct leaders. It was the business of each precinct leader to know, not to guess, how the few hundred voters in his district intended to cast their ballots.

¹⁵ Louis McHenry Howe, *op. cit.*

¹⁶ Describing Democratic organization in 1936, Russell Owen tells us that "Behind Mr. Farley there are as many sections as Pershing had in France. There is a service of supply, which sends out pamphlets and speakers and also buys what is necessary. There is a library and filing service which keeps in

Publicity is the weapon that is chiefly employed; but it must be publicity of the right kind.¹⁷ Money is thrown away in advertising goods that do not suit the popular taste or at least do not, in spite of ingenious representations, seem to do so. In offering the candidate and the platform to the voters, nothing is left to chance, no resource of salesmanship is neglected. Politics is a laboratory of applied psychology. In 1900 Hanna caught the popular fancy with the slogans, "Do we want a change?" and "Let well enough alone"; in 1916 Vance McCormick plastered the billboards of the country with the statement that President Wilson had kept us out of the war; and in 1936 John Hamilton did likewise with the statement that a vote for Landon meant a vote for a job. Who does not recall "Keep Cool with Coolidge," "Hoover and Happier Homes," "The New Deal," "The Forgotten Man," "Happy Days are Here Again," "Roosevelt and Recovery," "An Advance Has Begun—Let No Man Cry Halt," or "Landon—Deeds, Not Deficits"? We are told that "the presentation of President Coolidge as a silent, reserved man, an exponent of

touch with all the things going on in the country; and an intelligence service akin to the G2 in the army, which learns what is going on in the enemy camp, what is to be said in speeches and anticipates any shifts in tactics which must be met before they can do damage. All headquarters are a bit reserved on the way the intelligence service works. They do not deny espionage, but they do deny safecracking and burglary. 'A political organization is no mystery,' Mr. Farley said recently. 'It is in many respects like an organization for any other purpose, business or social. It depends in the first place on knowledge of the problem to be solved and, second, on the means of getting this knowledge to the voters. In both respects I believe that our Democratic organization has certain essential advantages. Our field forces send us in, day after day, reports of conditions they know at first hand. Day after day we are able to send them the kind of help they need for their own particular problem—speakers, literature, the answers to our opponents' attacks. Here at headquarters we know by personal contact thousands of individuals with whom we have to work, and we have correspondence with hundreds of thousands of other voters and party workers. We know the overoptimistic and the overpessimistic. We have past performances to judge them by.' " *N. Y. Times Magazine*, October 25, 1936.

¹⁷ In *Behind the Scenes in Politics* (1924) an anonymous writer has this to say (p. 38) of General Wood's primary campaign in 1920: "What happened was that he was taken out of the hands of experience and coddled in the lap of a group of amateurs who had captured him. It was a fine group—fine in character, fine in intentions, full of the earnest crusading spirit. It is a peculiar trait of such men . . . that they . . . have an exaggerated idea of the value of publicity. For an unknown candidate, publicity of the right kind may be essential; for a man like Wood, publicity of the wrong kind may be fatal. Wood was a national figure. Almost all the impressions he or his record could make, and almost all that publicity could hope to make, had been made."

common sense and a faithful performer of his daily task, rather than a heroic or spectacular figure, was no accident or makeshift, but was a deliberate, well-calculated policy, for which the President himself was responsible."¹⁸ Every campaign utterance, whether supplied to the press or delivered from the platform or broadcasted by radio, had to pass the censorship of an advisory publicity board which worked under the President's direct authority.¹⁹ The policy of the board deserves attention as illustrating the technique of a national campaign. In the first place there was an insistent emphasis upon one single issue. That issue was Calvin Coolidge and his achievements. "The keynote of the policy," says the *New York Times*,¹⁸ "was a constant reiteration of Coolidge, in order to make the President's name stand as a symbol for everything the voter desired in the way of stability, order, and prosperity." In the second place the Democratic candidate, John W. Davis, was practically ignored during the campaign. Finally, the board restrained Republican speakers from replying to attacks upon the President, from being drawn into controversy about the oil scandals, and from indulging in personalities.

Its main
principles

Political strategy has never been more shrewdly devised. Perhaps President Coolidge may have pondered over the precepts of a book which appeared about this time, *Behind the Scenes in Politics*. The anonymous author, who draws his conclusions from a rich practical experience, lays down a number of fairly definite rules for the guidance of campaign managers. The first principle, he says, is to seize and maintain the lead. This may be done by refusing to meet an opponent on the ground he has selected and by transferring the issues, as Coolidge did, to a wholly new field. There is a great advantage in being able to ignore one's opponent. "If he throws out an issue which makes no particular splash in the pond of opinion, ignore it altogether." When Cox made his sensational charges in 1920 and declared that the Republicans were raising a "slush fund" of at least \$15,000,000, Harding paid no attention; instead of falling into

¹⁸ *New York Times*, November 9, 1924.

¹⁹ The secretary of state (Hughes) submitted the advance text of his speeches to the board. General Dawes, the candidate for Vice-President, was the only prominent speaker who gave the board any trouble. Relations became so strained that "when he came to New York to speak late in the campaign he absolutely refused to prepare his speech in advance or tell the Advisory Board what he intended to say. It turned out that he attacked the 'cowardly politicians' of his own party because they wished him to say this in one place and that in another." *Ibid.*

a panic, the chairman and treasurer of the national committee treated the charges as a fantastic invention. In 1916 there was a fatal weakness in Republican strategy. "Hughes talked about Wilson. Taft came out and talked about Wilson. Roosevelt came forth and talked about Wilson and Wilsonism. And now and then in calm pauses Wilson could come out onto the porch of Shadow Lawn and talk about Taft and Roosevelt—and Wilson. Nobody talked about Hughes." The Republicans had ignored what our anonymous author terms the "strategy of superior place." The candidate must be the principal figure.²⁰ To the public, Hughes became vague and colorless, not only because Wilson ignored him, but also because Taft and Roosevelt, who spoke on his behalf, made the front page of the newspapers more often than he did. In 1940 Roosevelt ignored Willkie. Thirty-two times, when speaking at Philadelphia shortly before the election, he accused the Republicans of deliberate falsification; not

²⁰ "When good material of vital import is at hand it should never be left to subordinates, but seized upon and maintained by the candidate himself. A failure to do so was one of Hughes' lost opportunities in 1916." *Behind the Scenes in Politics*, p. 53. Of the campaign of 1936 Chairman James A. Farley says: "The entire campaign, from the Democratic standpoint, was based on the proposition that Roosevelt, and Roosevelt alone, was the issue before the voters. In the literature prepared for distribution by the committee, and in all party oratory, the central theme was always the 'gallant leadership' of the Chief Executive, the underlying idea being that the people think first in personalities in connection with politics, and secondly in terms of issues. The opposition unwittingly helped the campaign by carrying the criticisms of the President to outlandish lengths. It was almost certain to cause a reaction in favor of the President, as it did. If the Republicans had concentrated on a constructive platform of their own, they would have done much better." *Behind the Ballots* (1938), p. 314. Of the outcome of this election he says (p. 289-290): "The size of his plurality was unprecedented and to a great many people, unbelievable as well. What makes it all the more remarkable was the fact that during his first term of office President Roosevelt had collided head-on in dispute after dispute with the most powerful economic groups in the country, and they had banded together to oppose his re-election. The bankers were against him solidly because they disliked his bank reform program; the financial interests and 'Wall Street' were almost frenzied in their opposition; the manufacturing and commercial interests were strongly opposed to him; and last, and perhaps most powerful of all, the big metropolitan newspapers were almost a unit in the fight to bring about his overthrow. In the light of past history in this country, it would seem as though the combined might of their money power and propaganda would have been irresistible; on the contrary, it was ineffective and impotent. Those once mighty forces were licked to a standstill by the overpowering personality of one individual. This clash of opposing forces, and the unexpected result, is the one thing that still gives a deep, underlying significance to the 1936 election."

once did he mention Willkie's name. Again, "it is necessary to good political strategy to keep the candidate dignified, restrained as to the use of charges, accusation and the abuse of the opposition." The scandal story is as dangerous to the accuser as to the accused.²¹ If a personal attack is levelled against the opposing candidate, care must be taken, for the purposes of the attack, to separate him from the rank and file of his party. Otherwise, being themselves involved in the rebuke, they are confirmed in their party attachment.

Illustrations: 1932 and 1936

Since the candidate assumes such prominence in the campaign, it may become necessary to disguise some of his characteristics and emphasize others; in a word, to create an illusion. The "building-up" process often requires much ingenuity. Thus, President Hoover, by the time of his renomination in 1932, had lost his original popularity. He was now regarded by many as a stolid, uninspired, cold man, lacking in human sympathies. In the effort to correct this impression stories that showed his warmth of heart and his interest in humble citizens were given to the press; he was pictured as a victim, like Washington and Lincoln, of scandalous abuse, as a man too proud and too busy with problems of the common welfare to defend himself or play politics; he was lauded as a courageous and resolute champion of American liberties, the bulwark that would save the country from the mounting tide of radicalism. This propaganda met with little success.²² Nor could the electorate be persuaded, in 1936, to look upon Landon as an inspiring figure. In both cases the attractive personality of Franklin D. Roosevelt made the Republican task difficult.

The Democrats repeatedly drew attention to Governor Landon's

²¹ "If the unsavory matter is brought forth or approved, even tacitly, by one who is a candidate he always appears to have soiled his fingers; and if he cannot complete proof he loses votes by the hour. On the other hand there is so much resentment growing against a whispering campaign that sympathy bows toward the man against whom it is directed." Such was the case with Cleveland, Roosevelt, Wilson, and Harding. *Behind the Scenes in Politics*, p. 56.

²² "Conditions in the country were appallingly bad, and Mr. Hoover's political fortunes were at a low ebb. Hardly anyone had a good word for him. Charles Michaelson [*sic*], head of the publicity work of the Democratic national committee, had been hammering Mr. Hoover for three years; and as Frank Kent said, 'he did one of the finest pieces of hammering ever seen.' Every bit of Hoover's bad luck, every piece of presidential political ineptitude—and there were many—every evidence of Republican incapacity was taken full advantage of and given the widest possible circulation." Peel and Donnelly, *The 1932 Campaign* (1935), p. 54. For the "build-up" of Hoover in 1928 see Peel and Donnelly, *The 1928 Campaign* (1931), p. 91.

lack of experience. "One plan," says Charles Michelson,²³ "was to keep, as the issue of the campaign, the relative fitness of President Roosevelt and Governor Landon to handle the big national and international questions that must be faced by the man in the White House. . . . I believe we got across the idea that here was a man who, granted all his good qualities, either had no definite views on the great problems of the time or was willing to adopt any position that he, or his advisers, thought might attract votes. Naturally, his publicity people sought to avoid comparisons. Therefore they took as their targets Chairman Farley and Rex Tugwell; they invoked the communism issue on the basis of a New York Democratic elector. Farley was not a conscienceless villain; Tugwell was not a Socialist gone mad, and Dubinsky was not a Communist; but if the Republicans could get us arguing on such points they had a better chance than if the battle line remained straight. So Farley took it on the chin and we made no replies to the collateral assaults."²⁴

The strategy of the campaign having been agreed upon, the next step is to get the ear of the voters. This proceeding requires money as well as intelligence. Enormous sums are spent upon publicity; in one way or another, directly or indirectly, almost the whole campaign fund is devoted to that purpose.²⁵ The most obvious instrument of publicity is the newspapers. The great majority of these have attached themselves to one of the major parties and give willing support to its cause throughout the campaign. The press bureau

Publicity:
news-
papers and
billboards

²³ New York Times, November 15, 1936.

²⁴ It is considered good strategy to divert attention from the opposing candidate or to ignore him, as Wilson ignored Hughes and as Coolidge ignored Davis. So, in 1928: "Mr. Hoover refused to debate Mr. Smith. He ignored him, and except for the Madison Square Garden speech, was seemingly unaware of Mr. Smith's existence. Not once did he ever publicly mention Smith's name! The Governor certainly hoped to engage Mr. Hoover in battle. Time and again he expressed his chagrin at Hoover's unwillingness to fight. But it did no good. Mr. Hoover remained unperturbed." Peel and Donnelly, *The 1928 Campaign* (1931), p. 92. In 1940 Roosevelt ignored Willkie.

²⁵ The headings which Republican treasurers use in their itemized statements (see, for example, Louise Overacker, "Campaign Finance in the Presidential Election of 1940," *American Political Science Review*, Vol. XXXV, 1941, p. 707, note 23a; and Donald Macgregor's article in the New York Times, September 7, 1924) give the impression that little more than 40 per cent of the campaign fund is spent on publicity. But the item of publicity does not include such matters as travel, postage, salaries, maintenance of headquarters; yet these are just as much instruments of publicity as broadcasting or the printing of literature. A realistic analysis will show that the Republicans spend 90 per cent of their fund on publicity.

at headquarters, whose business it is to keep them supplied with ammunition, varies the character of its service with the importance of the newspaper. The correspondents of metropolitan dailies are furnished with the latest news and with advance copies of the candidate's speeches. Cartoons and articles, despatches and editorials go to six or seven thousand newspapers of intermediate grade.²⁶ The rural weeklies receive a single or double sheet of campaign material, set up and printed under the direction of the bureau, or "patent insides," cast plates that can be used on their own presses.²⁷ In the Republican campaign of 1896, says Herbert Croly,²⁸ "country journals with an aggregate circulation of 1,650,000 received three and one-half columns of specially prepared matter every week. Another list of country newspapers with an aggregate weekly circulation of about 1,000,000 were [*sic*] furnished with plates, while to still another class were supplied ready prints." Latterly a great deal of attention has been given to advertising.²⁹ After all, the purpose of propaganda is to win new adherents and not merely to confirm the faith of the old, as the free publicity in party organs does. A paid advertisement carries the propaganda into neutral or hostile territory; it reaches voters whose sources of information may be limited or prejudiced. The cost is heavy; perhaps \$2,000 or \$3,000 for one page in a metropolitan newspaper and still more for a page in some magazines of very large circulation; and waste is inevitable, because party organs will naturally claim a share of the money that is being spent. The billboards were effectively used for the first time in 1916.

²⁶ During the Democratic campaign of 1936, says Charles Michelson (*New York Times*, November 15), seven thousand small dailies and weeklies "took our clip sheets and printed our cartoons, and most of them used what went out to them—articles that were modestly headed 'editorial suggestions.'"

²⁷ "In former years the common practice was to distribute cuts, matrices, and mimeographed releases to small-town newspapers and to the foreign-language and religious journals, but the custom was dropped in 1929-31 when the Washington publicity bureaus began sending out 'headline' news. They kept this up in 1932; but the Republicans, as in previous years, supplemented the headline and syndicated materials with mats and cuts, which brought the leading strategic appeals to the mass of the people." Peel and Donnelly, *The 1932 Campaign* (1935), p. 143.

²⁸ *Marcus Alonzo Hanna* (1912), p. 218.

²⁹ "The campaign will utilize all mediums of modern advertising, including billboard posters, newspaper and magazine advertisements, and motion pictures," says the *New York Times* of July 28, 1920. "To-day's conference was to obtain Senator Harding's approval of the plan. It is understood the Senator's approval was not given until he, a newspaper advertising man himself, had placed his O.K. on the preliminary advertising matter."

"If he remembers the election of 1916," says Talcott Williams,³⁰ "the voter has in his memory the appearance of a big four-sheet colored poster of a happy home in peace and the legend, 'He has kept us out of war.' He recollected that there was no fence or wall so high priced and no highway or railroad so sequestered that he did not somewhere see a pictorial reminder of this declaration. . . . Great posters on billboards and buildings are the costliest form of publicity. In 1916 it did the work. 'He has kept us out of war' turned the tide." Four years later the Republicans spent \$400,000 on posters, the eye being caught on every side by the words, "Let us be done with wiggling and wabbling";³¹ and in 1936 more than twice that amount.

Radio has provided a new means of publicity. It emerged on the political scene in 1924 when the proceedings of both Democratic and Republican conventions were broadcasted. Neither party made much use of the radio in the campaign of that year, the Democrats spending only \$40,000 and the Republicans about three times as much. By 1928, however, the situation had changed. The two major broadcasting systems now controlled 168 stations and reached an audience of fifteen or twenty millions; and the facilities had been greatly improved through the elimination of interference and poor reception.³² The Republican national committee spent \$420,000; the Democratic, \$550,000. The following table shows the amount spent 1928-1940 and its percentage of the campaign fund:³³

Radio
broad-
casting

	<i>Republican</i>	<i>% of total</i>	<i>Democratic</i>	<i>% of total</i>
1928	\$420,000	10	\$550,000	17-18
1932	\$437,000 ³⁴	20 ³⁴	\$343,415	17-18
1936	\$757,737	11.1	\$582,327	12.9
1940	\$336,488	20	\$379,000	22.1

³⁰ "The High Cost of Politics," *Century Magazine*, Vol. CII (1921), p. 409.

³¹ Donald Macgregor in the *New York Times*, September 7, 1924.

³² Ralph D. Casey, "Party Campaign Propaganda," *Annals of the American Academy*, Vol. CLXXIX (May, 1935), p. 101.

³³ For 1940 I use data supplied by the party treasurers; otherwise my authority is Louise Overacker's articles on campaign funds, *American Political Science Review*, 1933 and 1937. *Broadcasting*, Vol. XIX (1940), p. 76, shows that the Republicans spent \$861,100 on radio; the Democrats, \$884,800. Of these sums the national committees, now limited by law to a total fund of \$3,000,000, spent only 39 and 42 per cent; but the Democratic committee at least resorted to evasion. *Senate Report No. 47* (1941), pp. 81-89.

³⁴ An item of \$114,872 for "radio and other expenses" is not included.

Perhaps the expenditure in 1936 was unnecessarily large. Charles Michelson, publicity director of the Democratic national committee, seems to be of that opinion.³⁵ Roosevelt, he says, had the best radio voice in the world, "which, added to the prestige of the Presidency, his gift of phrases, and the quality of his speeches, insured him audiences larger than the opposing candidate could hope for. I have sometimes thought that we might have dispensed with all radio speeches and programs except those of the President without diminishing the majority that elected him. However, it was up to us to take nothing for granted. So, doubtless, we spent a lot more money than was necessary, in view of the outcome. But the President could not very well praise himself or boast of what he had done in his high office; so the Cabinet officers, the Senators and Representatives and other orators had to have their share of radio time."³⁶

Its future rôle

In the earlier days of radio there was a disposition to exaggerate its future potentialities. It constituted the greatest debunking influence since the Declaration of Independence; it would destroy demagoguery; it would be, henceforth, the decisive factor in campaigns. The prophecies have not been fulfilled. Rabble-rousing has flourished; the demagogue, taking to the air as though it were his natural element, has enlarged his field of operations. Nor have other means of publicity been supplanted by the microphone. While both parties spent on broadcasting a much larger sum in 1936 than in 1932, relatively to total expenditures they spent much less. The radio has obvious limitations. The voice alone, apart from physical pres-

³⁵ *New York Times*, November 15, 1936. Chairman Farley has expressed his views in *Behind the Ballots* (1938), p. 318: "I have already said that the influence of the radio in determining the outcome of the 1936 election can hardly be overestimated. Without that unrivalled medium for reaching millions of voters, the work of overcoming the false impression created by tons of written propaganda put out by foes of the New Deal would have been many times greater than it was, and, to be candid, it might conceivably have been an impossible job. Yet no matter what was written or what was charged, the harmful effect was largely washed away as soon as the reassuring voice of the President of the United States started coming through the ether into the family living-room. The full effect can be realized only by pondering on the fact that the Chief Executive was able to reach directly every voter of the land who had a radio and whose mind was sufficiently open for him to turn over the dial. Those who refused to listen, and there were many, were hopeless anyway."

³⁶ According to the *Literary Digest* of November 21, 1936, the number of hours on the air that the major parties paid for was: 1928, Democrats 52½ and Republicans 42½; 1932, Democrats 51½ and Republicans 73; 1936, Democrats 70 and Republicans 97½. Figures for 1940 are not obtainable.

ence, must seem unsubstantial and ghostlike as it reaches scattered listeners over the air. Where is the gesture with the hands or the lifting of the brows or the bodily attitude that so often supplements an intonation of the voice and makes it supremely effective? Where is the enthusiasm, the sudden gust of emotion that brings an audience of thousands, wildly cheering, to their feet? How can the gifted orator gauge response, get that sense of rapport or sympathy which will release him from his set speech and lift him above it? The microphone is a machine. The man who speaks through it for half an hour, at the cost of thousands of dollars, reads an accurately-timed and mechanical address; even the most ingenious pretences of spontaneity cannot save him from some resemblance to a robot.³⁷

No: the mass-meeting has not been outmoded; the swing round the circle has not been abandoned. Radio, instead of transforming practice, has introduced modifications. When the candidate speaks before thousands in a large auditorium, he also reaches—though less effectively—millions outside. He addresses two audiences, the smaller face to face, the larger through the microphone. He can make his personality, or some phase of it, familiar without speaking so often as formerly. The importance of the newspapers has not diminished. Last night's speech—perhaps heard, and certainly remembered, imperfectly—appears in print next morning, so that significant passages can be read with attention or statistics verified. The newspaper reports incidents of the campaign in all parts of the country; and usually it does so without bias, because its readers want the uncolored facts and because, in addition, much of the news is supplied by nonpartisan agencies like the Associated Press or United Press.³⁸ It has been said that "radio has raised the level of campaigning immeasurably," that "no longer can candidates protest that they have been misquoted in the press," and that "no longer can one song be sung in the West, while another is sung in the East."³⁹ Here again we have exaggeration. Local hookups are used for local songs.

Tendency
to exag-
gerate it

³⁷ "The radio is a wonderful thing—it has been a tremendous force in promoting the success of the Roosevelt political fortunes—but, to my way of thinking, there is no substitute for the personal touches and there never will be, unless the Lord starts to make human beings different from the way he makes them now." James A. Farley, *Behind the Ballots* (1938), p. 192.

³⁸ The very fact that metropolitan newspapers must report all interesting events without partisan bias has led the party managers, Republicans and Democrats alike, to reduce the volume of paid advertising. This statement does not apply to small-town newspapers.

³⁹ Peel and Donnelly, *The 1932 Campaign* (1935), p. 147.

Newspapers receive advance copies of important speeches, whether or not they are delivered over the radio, and in such cases could easily disprove any charge of misquotation. Radio has brought about no change. Disputes may arise now, as much as in the past, over casual and extemporaneous remarks. One other point should be noted in passing. Radio has affected the proceedings of the national convention and the public attitude toward them. On the one hand, the necessity of arranging the program so as to reserve the more dramatic occurrences for radio time has created absurd situations; and, on the other hand, sober-minded citizens, who could dismiss journalistic accounts of the proceedings as incredible burlesque, have now, with their own ears, heard all too much evidence of turbulence and folly.⁴⁰

Pamphlet
literature

While the newspapers and the radio are the most effective mediums of propaganda, campaign managers set great store by pamphlet literature. Ever since the days of the Anti-Corn-Law League, which inundated England with millions of economic tracts year after year, all great popular agitations have had recourse to the same methods. The Anti-Saloon League, spending at one time

⁴⁰ Anne O'Hare McCormick writes in the *New York Times*, June 28, 1936: "Both conventions were staged for the radio audience. First put on the air in 1924, the party conclave since has been more and more keyed, timed and dominated by the microphone. This year, and particularly the Philadelphia convention, has marked the climax of the adaptation of the program to the listener-in. Conventions used to do business in the daytime. They had hot, often decisive, debates on the floor. Now the day sessions are brief and perfunctory and hours are wasted while the big show is held for the best radio time. Do the political showmen consider the effects of letting the public hear all? One watches the visible audience walk out on the speakers and wonders how many invisible listeners hang on. Broadcasting companies say they are receiving increasingly numerous complaints because the public's favorite entertainers are switched off these nights to make room for windy speeches, inferior vaudeville and just plain din. A girl elevator starter in a Cleveland hotel, after three nights spent assisting exalted and unsteady delegates, voiced this reaction to her first view of a national convention: 'Do you know what I think? I think the sooner we have a dictator the better.' A too-complete close-up and hook-up of the business of naming a President may stir dangerous questions in the mind of the nation-wide audience. Can the convention as we see it survive this pitiless publicity on one hand and on the other the suppression of all vitalizing debate within itself in order to keep party squabbles off the air? The harmony distinguishing—and dulling—both conventions was largely due to the fact that the real presiding officer was the microphone. But the most important and interesting event in both remains imperceptible to mechanical reporters. One felt something born in one place; one watched something die and something else take its place in the other."

\$2,500,000 a year, ran its Westerville printing plant continuously, with three eight-hour shifts, and often dispatched carloads of literature on a single day.⁴¹ Both great parties follow a similar plan of large-scale production. In 1920 the Republicans distributed 15,000,000 lithograph portraits of Senator Harding.⁴² In 1900 seven million copies of McKinley's acceptance speech were printed, and eight million copies of Bryan's, the latter appearing in eleven different languages.⁴³ Herbert Croly has described Hanna's elaborate provision of literature in the first McKinley campaign. "This feature of the canvass," he says,⁴⁴ "increased in importance as it progressed, and finally attained a wholly unexpected volume and momentum. The greater part of the responsibility fell upon the Chicago headquarters, and this fact made the work performed at Chicago relatively more important than that in New York. Over 100,000,000 documents were shipped from the Chicago office, whereas not more than 20,000,000 were sent out from New York. In addition, the Congressional Committee at Washington circulated a great deal of printed matter. The material was derived from many sources—chiefly from Mr. McKinley's own speeches and from those which various congressmen had made at different times on behalf of sound money. A pamphlet of forty pages, dealing with the silver question in a controversial way, although one of the longest of the documents, proved to be one of the most popular. A majority of these pamphlets dealt with the currency issue; but towards the end of the campaign, as the effect of the early hurrah for Bryan and free silver wore off, an increasing demand was made upon the Committee for protectionist reading matter. Something like 275 different pamphlets and leaflets were circulated, and they were printed in German, French, Spanish, Italian, Swedish, Norwegian, Danish, Dutch and Hebrew as well as English."

The pamphlets are of the most varied character. Many of them

⁴¹ Wayne B. Wheeler, "The Inside Story of Prohibition's Adoption," *New York Times*, March 29, 1926.

⁴² This was the estimate of Chairman Hays before the Senate investigating committee (*Hearings*, as cited, Vol. II, p. 1116). Campaign buttons, costing several cents apiece, are distributed by the million.

⁴³ "How the Republican National Committee Works for Votes," *Review of Reviews*, Vol. XXII (1900), pp. 549-555; and "The Management of the Democratic Campaign," *ibid.*, pp. 556-559.

⁴⁴ *Op. cit.*, pp. 216-217. As to the mass of literature distributed by the major parties in 1936, see Russell Owen, "At the Two Busy GHQ's," *New York Times Magazine*, October 25, 1936.

The
campaign
textbook

take the form of speeches or documents reproduced from the *Congressional Record*. For the most part, the speeches are of the familiar sort. They were not actually delivered before the House or Senate, but prepared expressly for campaign purposes and included in the official proceedings of Congress through the courtesy of unanimous consent. The government reprints such speeches and documents at cost, without any limitation as to the number of copies, and sends them free through the mails under the frank of a senator or representative. The most interesting and informative publication of the national committee is the *Campaign Textbook*, a volume of four or five hundred pages that can be carried conveniently in the coat pocket. It is the *vade mecum* of journalists, platform speakers, and party revivalists. One finds in it an astonishing amount of information, supported at times by statistical tables and documents: the biographies of the candidates, their speeches of acceptance, the platforms of both major parties arranged topically in parallel columns for purposes of comparison, and the party record with respect to all important controversial questions. On account of the cost of printing and mailing, the *Campaign Textbook* has a limited circulation; it is designed for the teacher rather than the pupil.

Over-
emphasis
upon liter-
ature

Casual observation suggests that a large part of the pamphlet literature finds its way to the waste-basket without being read. Indeed, few voters get the opportunity to read it. When a pamphlet is printed by the millions and shipped by the tens of thousands to state chairmen for distribution among the county chairmen, 95 to 97 per cent of the shipment do not reach the voters. This fact was established, according to Louis McHenry Howe,⁴⁵ by a detailed survey. In 1932, therefore, the Democrats adopted a new method.⁴⁶

⁴⁵ In a newspaper article of December, 1932, quoted by Peel and Donnelly, *The 1932 Campaign* (1935), pp. 113-116.

⁴⁶ In this connection Chairman Farley says: "There were two errors common in previous national campaigns which we were determined to avoid in the effort to put Governor Roosevelt in the White House. The first was the appalling waste of literature that usually took place through negligence and lack of foresight, a waste that not only cost a sizeable amount of badly-needed money but in addition detracted from the effectiveness of the campaign. We knew, for example, that huge bales of posters, pamphlets, and flyers were sent to state chairmen or county chairmen who, being too busy conducting meetings and doing other electioneering work, often left the literature to gather dust on the office shelves. A comprehensive check-up made by a field force convinced us that in seven prior elections, less than 10 per cent of the campaign literature had actually found its way into the hands of the voters who might be influenced by such propaganda. Another bad practice springing from care-

"While a certain reduced quantity was sent to the state chairmen, individual packages were made up of only ten pieces of each kind of literature, and sent to every one of the 140,000 local [precinct] committeemen. With this package went another personal letter bearing the Governor's signature, requesting particular pains to see that these ten pieces of literature went into hands where they would do real good. As near as we can check, 90 per cent of the literature so distributed actually got not only into the hands of the voters, but into the hands of voters who were influenced by it. When I add that 63,000,000 pieces of literature were thus distributed, it will be seen that the job was man size."

While a single sheet, bearing a few significant figures and a few striking phrases, may catch the attention of a busy man and set him thinking, extensive documents are laid aside for a period of leisure that never comes.⁴⁷ The ordinary voter contents himself with what he finds in his newspaper. One is also impressed with the waste of energy in speech-making. A shrewd and experienced campaigner has confessed that he cannot account for so much oratory. "I believe," he says,⁴⁸ "that audiences assemble in the main for curiosity and entertainment, and that their applause is a bad measure of results in the effort to make votes by oratory. The most people take away is an impression of the orator as a man, a human being under a personality-inspection test, and the least they take away is any new

lessness was to send a mass of material about farm relief and related questions into crowded city voting precincts and send material on labor conditions into rural areas. The first step taken to correct this situation was to collect at headquarters a complete list of county and precinct workers from every state in the Union. The literature was sent directly to those men and women who were actually trying to win votes, and always in small quantities. We learned that it was a good policy to send a sample bundle or a small amount and have them ask for more, rather than to send too much without a request from them. . . . The county or precinct worker also seems to feel that he has a new standing in his home community if he gets his orders directly from the 'generals' who are directing the campaign against the political enemy. It gives him a sense of satisfaction to be let in as a part of the show, and the degree of loyalty awakened by this simple gesture is truly gratifying." *Behind the Ballots* (1938), p. 159.

⁴⁷ The pamphlet literature of the Conservative and Labor parties in England shows a marked superiority over that of the Republican and Democratic parties in this country. This may be due to the fact that the publication department is conducted by a trained permanent staff. The English parties carry on a continuous propaganda; there is no sudden activity of the printing press in the period of the campaign.

⁴⁸ *Behind the Scenes in Politics*, pp. 64 and 70.

belief. . . . The point I am making is that if a doctor had come on the stage and said that the candidate had a bone in his larynx and could not say a word, but that he wanted to smile and bow and hand the manuscript of his speech to the reporters, the work to be done would perhaps have been as well done as if the candidate had spoken for three hours." For the success of a speech is to be measured, not by its effect on the immediate audience, but by its effect on the millions of voters whom it reaches next day through the newspapers. Just as a speech in the British House of Commons is really addressed to the public outside, since members vote in obedience to the party whip, so in our presidential campaigns the audience hears the reverberations, but the projectile itself describes a parabola over their heads and lands in the offices of the Associated Press.⁴⁹

⁴⁹ "The art of electioneering," says the *New York Times* (October 25, 1936), "remains much the same as ever, despite all its boasted modern improvements. We have just had the announcement by the national committees of both parties that they mean to keep up this fight until the very end. The evening and night of November 2 will be filled with tumultuous last-minute appeals to the electorate. The implication is that, even at the eleventh hour, a great body of voters have not yet made up their minds and can be persuaded if only enough lung power and adroit advertising are employed. Political managers must believe in the effectiveness of all this or they would not do it. Yet what do they, or, for that matter, any other group of men, know about the real causes of the dislodgment on election day of a large number of voters from one party in favor of another? What is known by everybody is the fact that the great majority of voters are fixed in their party convictions long before the campaign begins. This is partly a matter of inheritance, partly of prejudice, partly of private or class interest." It is often held that the expenditure of millions of dollars and the flood of oratory and literature determine the result of the election and that the campaign resembles a litigation in which the empty minds of the jurors are filled with evidence and argument and in which the verdict is based altogether on what happens inside the courtroom. Does such a comparison reflect the actual rôle of the electorate? Nowadays, it is true, jurors are supposed to be empty-minded, or at least open-minded, when the trial begins. But at an earlier time they were witness-jurors, already familiar with the facts of the case and ready to pronounce an opinion. Voters resemble this ancient jury. They are under no obligation to see and hear nothing until the campaign begins; and what they see and hear—and feel—must make some kind of impression. The mass-mind, however rudimentary, soaks up something from the environment. It would be strange indeed if the voters waited for oratory and literature before taking sides. They do commonly take sides before the campaign has got under way. The campaign does little more than provide entertainment and confirm an existing faith. The politicians suffer from a delusion when they think that a million dollars more, another ton of tariff statistics, and another ten hours on a national radio hookup would have turned defeat into victory. Of

The "front-porch" campaign is based on a frank recognition of these facts. McKinley at Canton, Wilson at Shadow Lawn, and Harding at Marion demonstrated its advantage as against the "swing around the circle" to which Bryan, Hughes, Cox, F. D. Roosevelt, Landon, and Willkie resorted.⁵⁰ Every week, or several times a week, a band of pilgrims would arrive at Canton. So far as the public knew, these visits arose out of a spontaneous desire to meet the candidate. As a rule, however, they were instigated by Hanna, the group being carefully chosen to represent some important interest, such as the wholesale merchants or the railway

"Front-porch" speeches: McKinley, Wilson, and Harding

course, abnormal situations do occur. There have been times, perhaps, when the temporary conversion of a few waverers, by propaganda or purchase, has determined the result in an election.

⁵⁰ Of the Republican campaign of 1896, Herbert Croly says (*op. cit.*, p. 214) that one of the major necessities was "the adoption of some measure which would counteract the effect of Mr. Bryan's personal stump tour,—a tour which covered a large part of the country and aroused great popular sympathy and interest. Of course the countermove was to keep Mr. McKinley's ingratiating personality as much as possible before the public; but the Republican candidate cherished a high respect for the proprieties of political life and refused to consider a competing tour of his own. It was arranged, consequently, that, inasmuch as McKinley could not go to the people, the people must come to McKinley. The latter abjured the stump, but when his supporters paid him a visit, he could address them from his own front porch. This idea was employed and developed to the very limit." James A. Farley, Democratic chairman (1932-40), believed in the "swing around the circle." In *Behind the Ballots* (1938), p. 319, he says: "My belief is that the day of the 'front-porch' candidate, the man who stays at home and says nothing, while the others carry the burden of campaigning for him, is about over. The voters want to see the candidate for office, and make their own estimate of his qualifications, before marking the ballots. This is no place to speculate on what may happen in future campaigns because of the vital political power bound up in the effective use of the radio." Farley's observations on President Roosevelt's campaign of 1936 deserve quoting: "President Roosevelt did not 'take the stump' until the last part of September, opening with an address before the New York State Democratic Convention at Syracuse. This left him little more than a month in which to refute the arguments of his numerous foes and to combat the effect of an unprecedented onslaught against his administration and his motives which had been going on without interruption for almost three years. It was a sizeable task for a man whom the opposition was describing as a 'visionary' without a realistic grip on practical matters. Roosevelt's 'one month' on the stump deserves to be recorded as the greatest piece of campaigning in American history. The radio, of course, gave him an advantage over those early giants of the Republic who might have done the same under similar circumstances, and that should be given due consideration. Yet it does not detract from the magnificence of his accomplishment." *Ibid.*, p. 316.

brotherhoods. McKinley always insisted on having a preliminary conference with the chairman of the delegation. "When he appeared," says Croly,⁵¹ "Mr. McKinley would greet him warmly and ask: 'You are going to represent the delegation and make some remarks. What are you going to say?' The reply would usually be: 'Oh, I don't know. Anything that occurs to me.' Then Mr. McKinley would point out the inconveniences of such a course and request that a copy of the address be sent to him in advance, and he usually warned his interlocutor that he might make certain suggestions looking towards the revision of the speech."⁵² . . . Knowing as he did in advance just what the chairman would say, his own answer was carefully prepared. He had secretaries to dig up any information he needed, but he always conscientiously wrote out the speech itself. If it were short, he would memorize it. If it were long, he would read it. In consequence, his addresses to the American people during the campaign, beginning with the letter of acceptance, were usually able and raised him in the estimation of many of his earlier opponents. He made a genuine personal contribution to the discussion of the dominant issues and extorted increasing respect from general public opinion. As the campaign progressed and the strain began to count, Mr. Bryan's speeches deteriorated both in dignity and poignancy, while those of Mr. McKinley maintained an even level of sobriety, pertinence and good sense."

The practice of Presidents when candidates for reelection

President Coolidge made no partisan speeches during the campaign of 1924. Whenever he spoke, he refrained from alluding to political issues or to his position as the leader of the Republican party. Over the radio on the night before election he did no more than emphasize the obligation of voters to attend the polls. In holding aloof from partisan controversy he was following the tradition

⁵¹ *Op. cit.*, pp. 215-216.

⁵² "In one instance, according to ex-Senator Charles Dick, a man took his speech to Canton, all written out, and at McKinley's request read it aloud to the candidate. After he had finished Mr. McKinley said: 'My friend, that is a splendid speech, a magnificent speech. No one could have prepared a better one. There are many occasions on which it would be precisely the right thing to say; but is it quite suitable to this peculiar occasion? Sound and sober as it is from your standpoint, I must consider the effect from the party's standpoint. Now you go home and write a speech along the lines I indicate, and send me a copy of it.' In this particular case, even the second version was thoroughly blue-pencilled until it satisfied the exigent candidate. Such a method was not calculated to produce bursts of personal eloquence on the part of the chairman of the delegation, but the candidate preferred himself to provide the eloquence." *Ibid.*, p. 216.

that McKinley established in the campaign of 1900. President McKinley explained his attitude to a prominent journalist. "This is not going to be any such campaign as four years ago," he said.⁵³ "There will not be visiting delegates or anything like that. I will not make speeches, save one or two late in the year. Four years ago I was a private citizen and the candidate of my party for President. It was my privilege to aid in bringing success to my party by making a campaign. Now I am President of the whole people, and while I am a candidate again, I feel that the proprieties demand that the President should refrain from making a political canvass in his own behalf, and I shall not engage in speech-making this year, save one or two occasions when I shall speak upon national questions rather than partisan politics." President Wilson, on the other hand, delivered a campaign speech at Shadow Lawn each Saturday afternoon and even made a few short trips to the West. "Every speech of President Wilson's," says Tumulty,⁵⁴ "was, to use a baseball phrase, a home run for the Democratic side. They were delivered without much preparation and were purely extemporaneous in character. The Republican opposition soon began to wince under the smashing blows delivered by the Democratic candidate. . . ."

There is no settled practice. Much depends upon the talents and disposition of the candidate. Herbert Hoover, being quite devoid of oratorical gifts, preferred the strategy of silence. It had carried him to the White House and might keep him there. According to his original plan in 1932, he limited himself to three speeches. Eventually, however, he surrendered to the insistence of his advisers, travelled 10,000 miles and delivered ten major addresses, as well as many shorter ones.⁵⁵ On the other hand, a fluent and effective speaker will not be restrained by considerations of propriety. In 1936 President Franklin Roosevelt travelled farther and spoke more often than in his first campaign. While radio had brought the whole

Hoover
and F. D.
Roosevelt

⁵³ A. W. Dunn, *From Harrison to Harding* (1922), Vol. I, pp. 347-348.

⁵⁴ J. P. Tumulty, *Woodrow Wilson as I Know Him* (1921), pp. 215-216.

⁵⁵ The change of plan probably did more harm than good. A poor speaker should not be forced to parade his deficiencies. Alluding to 1904, Paul Haworth says (*The United States in Our Own Times*, 1920, p. 313): "The original Democratic plan of campaign was that Judge Parker should remain, with dignity befitting a judge, at his summer home at Esopus on the Hudson. Presently, however, the party managers found that their cause was losing ground, and, as a forlorn hope, they sent their candidate out to make some speeches. But Judge Parker did not possess the art of winning popular applause, nor did he have the knack of sounding clarion calls."

electorate within the range of a fireside chat, the President showed no more inclination than his Republican opponent (Landon) to make the hearth his rostrum.⁵⁶

The
latter
in 1940

At the outset of the campaign of 1940 President Roosevelt adopted a very different plan. He assumed the rôle of the one indispensable man who, because of the international crisis, had been drafted for a third term. Apparently he sought to convey the impression of being absorbed in executive duties and of being aloof from partisan manoeuvres. When he travelled from Washington, as he sometimes did, he went no farther than Maine or Ohio and, ostensibly, had no other purpose than to inspect public works that were linked with the program of national defence. He spoke as President, not as presidential candidate. In the phrase of Arthur Krock,⁵⁷ "he cloaked everything he did in indisputably official raiment." Two weeks before the election, however, when Willkie seemed to be making dangerous headway, this subtle strategy of aloofness was abandoned. Throwing off all disguise, Roosevelt made five purely partisan speeches. The change suited his temperament. "I am an old campaigner," he exclaimed at Philadelphia, "and I like a good fight." The voters, no doubt, liked his zest for combat.

Advantages of
front-porch
method

The advantages of the front-porch method are overwhelming. The candidate preserves not only his dignity, but also his physical well-being. His speeches, instead of being hurriedly improvised, are prepared with deliberation; they are not echoes of something repeated a dozen times in the past; they have coherence and point, being in each case confined to the elucidation of a single issue. The newspapers, provided with advance copies, print the full text.^{57a} On

⁵⁶ "Never before in the history of political campaigns has there been such record of distance travelled by Presidential candidates." *United States News*, October 12, 1936. Chairman James A. Farley favored the "swing around the circle" in 1932: "What kind of a campaign should Governor Roosevelt conduct? Should he stay at home on the front porch mumbling a few homely platitudes while the world came to his door, or should he take to the stump and travel about the country flinging bold challenges at the Republican foe?" Farley put the alternatives before Roosevelt, telling him why members of Congress frowned upon a stump tour. Roosevelt pondered. "'Jim, what do you think yourself?' he asked. 'I think you ought to go and I know you are going anyway.' He grinned and nodded his head. 'That's right. I have a streak of Dutch stubbornness in me, and the Dutch is up this time. I'm going campaigning to the Pacific Coast and [will] discuss every important issue of the campaign in a series of speeches.'" *Behind the Ballots* (1938), pp. 163-164.

⁵⁷ *New York Times*, October 13, 1940.

^{57a} "The moment Harding made up his mind to stick as closely as possible to the front porch he had tucked under his arm a whole collection of advantages over his opponent. Not the least of these, and I speak of it first, was that he

the other hand, the swing around the circle is justified on the ground that, giving millions of people a chance to see the candidate in flesh and blood and to hear the actual tones of his voice, it emphasizes his personality and generates enthusiasm.⁵⁸ Bryan began the practice in 1896.⁵⁹ He travelled 18,000 miles and delivered hundreds of speeches in twenty-nine different states. Others bettered his achievement; and in 1940 Willkie travelled 30,000 miles, partly by plane and motor, through 34 states. Whether such exertions produce any adequate effect is open to doubt. "Of all performances," says Melville E. Stone,⁶⁰ "this is the most illusory and profitless." Of Bryan's peregrinations in 1896, Stone says that "the Associated Press men who traveled with him were greatly impressed, and told me of the millions who gathered to welcome the itinerant, the wild enthusiasm displayed, the certainty of his ultimate victory. I replied that they failed to take into account the human curiosity involved, that nine out of ten in the great crowds greeting Bryan would have been equally excited by a visit of a circus, and that McKinley, who was making one speech a week from his front porch at Canton, was really reaching the public mind as Bryan was not by the practice he had adopted. And so it proved."

Aside from the expense,⁶¹ there are three main objections to the

did not have to make unprepared utterances or wear his good sense, his restraint and his own estimate of values into pathetic frazzles by being kept everlastingly trying to silver-tongue corporal's guards of listeners. When he was going to speak to a group the next morning he could hand the press correspondents a written speech to put on the wire the night before. Under these conditions there is no chance for the slips and breaks made by any man who is tired through talking." *Behind the Scenes in Politics*, p. 73.

⁵⁸ Candidates, as well as voters, desire this physical contact. "Television hasn't come yet, and vote-seekers must be seen as well as heard. Moreover, they want to see and hear on their own account. They want to see their public formed into welcoming crowds by the hundreds and by the thousands; they want also to hear their public in the encouraging concussion of palm against palm." *New York Times*, October 26, 1936.

⁵⁹ Before the Civil War candidates rarely made campaign speeches. The chief exception was General Winfield Scott (1852), whose progress through the country did little to recommend him to the people. He met disastrous defeat at the hands of Pierce, who remained silent and invisible at his home in Concord. Greeley (1872) took the stump in the Middle West. In 1884 James G. Blaine toured a number of carefully selected states, including Ohio, while his successful opponent, Grover Cleveland, attended to his business as governor of New York and delivered only two speeches.

⁶⁰ *Fifty Years a Journalist* (1921), p. 313.

⁶¹ "Special trains almost invariably are required for the tour of a presidential

Objections
to the
stump tour

prolonged stump tour. In the first place, only a man of extraordinary endurance, a Bryan or a Roosevelt, can escape exhaustion.⁶² There are "sleepless nights, the sudden arousings in the dark to catch some train that is going to some junction, the handshaking at mills (handshaking being, again, one of the hardest forms of work, when you have to shake hands with a thousand men at once), the hardship of constant travel even under the most favorable conditions, the complete change of weather conditions from day to day when the train is making an interstate jump, and all the things that go to wreck or damage severely the health of the victim."⁶³ Under these circumstances the candidate's speeches steadily degenerate in quality. Those he prepared weeks ago, now grown stale through repetition, fill him with nausea. He tries to be original and vigorous; and in his state of approaching collapse he sometimes lets fall some fatal phrase that hostile correspondents at once set humming over the telegraph wires.⁶⁴ Theodore Roosevelt did not make such slips; but

candidate. The reason is that regular trains do not make sufficiently long stops at stations for proper rallies and speeches. And, in addition, the candidate, with the burden of the campaign on his shoulders, must have a minimum of annoyance and all the facilities for rest that can be provided. Special trains are expensive, requiring a hundred full-fare railroad tickets in addition to the charge for the rental of the cars. The cars rented are Pullman cars and are hired by the day. The railroad hauls them on a mileage basis. The candidate, usually, is provided with a private car equipped with kitchen and similar facilities. The other cars, sometimes two or three, in addition to baggage cars, are occupied by members of the candidate's staff of stenographers and others and the newspaper correspondents, who, incidentally, pay their own expenses. Some idea of the magnitude of this item in the national campaign may be had from the fact that the tour of James M. Cox, the Democratic nominee of 1920, who passed virtually all of the time on the stump, cost the Democratic National Committee \$160,000." Donald Macgregor in the *New York Times*, September 7, 1924.

⁶² "Bryan himself had one panacea. He had the ability to fall asleep in a second. Three minutes' sleep on a bench here, three more minutes in a hotel lobby, half an hour curled up in a day coach, and before the twenty-four hours were up he would have had, in one way or another, eight hours." C. W. Thompson, "Endurance Test of Presidential Aspirants," *New York Times*, August 15, 1920. The hardship is relieved a good deal by a special car or a special train. "But Mr. Bryan used to insist on traveling in day coaches when he was a candidate, and he was merciless both to himself and those with him."

⁶³ Thompson, *op. cit.* See also *Behind the Scenes in Politics*, pp. 74 *et seq.*

⁶⁴ Colonel Frank Knox, Republican candidate for the vice-presidency, spoke more frequently in the campaign of 1936 than either Landon or Roosevelt. He was unsparing in his criticism of the New Deal as the destroyer of liberty and of financial solvency. He created consternation among the executives of banks

in the end he became converted, as he put it, "from the BB-shot class to the bullet class, and would in time hope to fire a few eighteen-inch missiles rather than use an atomizer from the back platform of a train."⁶⁵ Finally, it is impossible to secure the most effective newspaper publicity. The fragmentary remarks delivered from the tail-end of a car or the more formal speeches, in which the tired mind, incapable of developing new thoughts, traverses familiar ground, yield little copy to the correspondents.⁶⁶ "In brief, the presidential tour is madness—stark, staring insane confusion. The time will come perhaps when the people of the country will be educated up to the point where a mere refusal of a candidate to enter such a certain folly will recommend him as one superior in wisdom to the good men and true who campaign themselves silly over the brass rail of a back platform."⁶⁷

The candidates are not, of course, the only speakers. In 1896 the Republican national committee employed the services of fourteen hundred;⁶⁸ and in 1920 the number rose above 15,000,⁶⁹ still an insignificant fraction of the number engaged in state and local campaigns. They are for the most part volunteers, receiving from the

Appeals to
special
groups of
voters

and insurance companies by saying, in an unguarded moment, that now no insurance policy was secure and no savings account safe.

⁶⁵ *Behind the Scenes in Politics*, p. 74.

⁶⁶ "I told Governor Hughes," says Melville E. Stone (*op. cit.*), "what was sure to happen with his 'touch-and-go' talking. He would arrive at a town in the evening, make a hasty speech, and move on. The reporters would make a hurried report to be handed to a telegraph operator at the next stopping place. The operator would probably be an incompetent. The report would necessarily be greatly abbreviated in order to secure transmission. On its receipt by a newspaper in the rush hour it would be again 'cut down,' so that when Hughes read the story in print he would probably be unable to recognize it as his own speech. On the other hand, if he would give me half a dozen well-prepared addresses a week in advance, so that I could mail them to our newspapers throughout the country, they would be put in type during the leisure hours in the newspaper offices and on the day of their delivery would be released by two or three words of telegraph. I told him how President Roosevelt had managed things, how he had given me his messages to Congress on some occasions six weeks in advance, so that they were released and printed in Tokio and St. Petersburg on the morning after their delivery. But my advice was not accepted. The managers sent Governor Hughes on his journey. Things turned out as I knew they would."

⁶⁷ *Behind the Scenes in Politics*, p. 77.

⁶⁸ Croly, *op. cit.*, p. 216.

⁶⁹ These were the figures announced at the end of July. Women constituted a little over 10 per cent. *New York Times*, July 27, 1920.

committee only an allowance for expenses.⁷⁰ They include prominent senators and representatives, governors of states, members of the cabinet, and perhaps defeated candidates for the nomination, who thus show that no ill-feeling survives the preconvention campaign. Johnson and Lowden took the platform for Harding. In connection with the speeches or independently of them, parades and other colorful demonstrations are organized for the purpose of stimulating enthusiasm. On such occasions the campaign clubs which have been formed to promote the interests of the candidate give evidence of their attachment by marching in some kind of regalia or by furnishing vocal and instrumental music. The national chairman takes special pains to cultivate friendly relations with racial and religious groups. It is important to send among them speakers and literature that make precisely the right appeal. In 1916 the Democrats had to face a delicate situation with regard to the Catholic vote, Wilson's recognition of Carranza in Mexico having provoked resentment. On the other hand, the Mormons, for the first time since Hanna made his deal with them in 1900, returned to their former affiliation and voted the Democratic ticket.⁷¹ The Republicans counted on a solid German vote, which the German-American Alliance seems to have promised if any man but Roosevelt should receive the nomination. During the course of the campaign, however, a sudden shift occurred. "Long after the election," says Arthur W. Dunn,⁷² "it was learned that the Democrats, through Senator Stone of Missouri and others, had been able to reach the leaders of German influence in the country."

Feeling the
popular
pulse

As the campaign progresses every effort is made to discover the drift of public sentiment. Doubtful states require the most attention. There significant social and economic groups—service clubs, factory employees, chambers of commerce—are polled and, after an interval of high-pressure propaganda, polled again. But far more reliable is the elaborate house-to-house canvass sometimes undertaken by an army of workers when the balance between the par-

⁷⁰ See the statement of Will H. Hayes, Republican chairman, before a Senate investigating committee. *Hearings*, as cited, Vol. I, p. 1115. Mark Hanna refused to accept Jonathan P. Dolliver of Iowa as the candidate for Vice-President on the ground that he had taken a fee of \$100 for each of his speeches in the campaign of 1896. Dunn, *op. cit.*, Vol. I, p. 340.

⁷¹ *Ibid.*, Vol. II, pp. 340-341. "Wilson would not have won without the Mormons. It would have been impossible for him to carry the Republican states of Utah, Idaho, Wyoming, and New Mexico without Mormon support."

⁷² *Ibid.*, Vol. II, pp. 324 and 341.

ties is supposed to be very even. Croly tells how, early in September, 1896, "a careful canvass of Iowa indicated a probable majority for Bryan" and how six weeks later, after speakers and documents had been poured into every town and village, "the results of another canvass convinced the committee that the state was safe for McKinley."⁷³ The astute politicians are rarely misled.⁷⁴ That they put forward extravagant claims, which are utterly discredited by the results of the election, does not imply any lack of skill in reading the political barometer. They profess optimism because optimism is contagious. In reaching conclusions they rely, not upon vague surmise or reports from optimistic candidates, but upon specific data that the precinct committeemen have compiled. They are not misled by superficial appearances, even though they may try to mislead the public. For example, while the Republican party professed confidence that it would hold Pennsylvania in 1936 because, in the official register of party affiliation, Republicans outnumbered Democrats by some 600,000, privately quite a different feeling was acknowledged; for in 1932, when Hoover won the state by a scant 160,000, the enrolled Republicans had an advantage of more than 2,000,000. In reality, to those who understood the meaning of the figures, the situation looked ominous.⁷⁵ After the last presidential election a wise commentator said: "All in all, one is inclined to believe that the best election forecasting is still being done by that unscientific piece of calculating machinery known as the practical politician."⁷⁶

It may be that most voters have made up their minds two or three months before the election and that subsequent propaganda will not change their attitude. Such is more likely to be the case when the

Are early forecasts reliable?

⁷³ Croly, *op. cit.*, p. 216.

⁷⁴ Months before the election of 1936, Chairman Farley maintained that Roosevelt would win 46 states, which he did. Two weeks before the election of 1940 Chairman Flynn claimed a minimum of 375 electoral votes, or 74 less than Roosevelt obtained. He refused to commit himself regarding certain states from which the county chairmen had not sent adequate data. Surprisingly he conceded four of the New England states and, as a possibility, one of the three central states (not named). *New York Times*, October 25, 1940.

⁷⁵ Lawrence E. Davies in the *New York Times*, October 25, 1936. Betting odds almost always indicate the successful candidate, though not the extent of his success. Within living memory, says Frank R. Kent (*Los Angeles Times*, November 3, 1936), they have failed only once: Hughes was a 7-5 favorite in 1916, but lost by the narrowest margin. The odds were 3-1 on Roosevelt in 1936; 2-1 in 1940.

⁷⁶ "Topics of the Times," *New York Times*, November 8, 1940.

political situation is stable and the candidates well known. An accurate survey, made before the beginning of the campaign, should indicate the victor or else the uncertainty of a close finish. Even in 1940, an abnormal year, forecasts were almost as reliable in August as in November. Willkie's popular vote, according to the Gallup poll, declined by only one per cent in the three months; and, although his electoral vote declined far more sharply, the figures for August gave him no prospect of election. One aspect of the popular vote deserves emphasis. The dominance of the Democratic party in the Solid South—its surplus majorities there—affects calculations. With less than 53 per cent it cannot count upon getting a majority in the electoral college.⁷⁷ Harrison defeated Cleveland in 1888; and Hughes came very near to defeating Wilson in 1916. Both Democratic candidates had a plurality of popular votes.

September
election
in Maine

Under normal circumstances the pulse of the electorate has much the same beat in September and in November. But how can the timing be accurate when the doctor makes the count without a watch? The most conscientious forecasts—whether based on precinct reports, as in the case of a Farley, or on scientific samplings, as in the case of a Gallup—are liable to error. Is there any way of getting hold of a watch before the voters cast their ballots in November? Maine provides one of sorts. For a hundred and twenty years her general election (barring the presidency) has been held on the second Monday in September.⁷⁸ From 1840, when the victory of Kent (running for governor) was followed by the victory of Harrison,⁷⁹ an adage took shape: "As Maine goes, so goes the nation." Democratic ridicule,⁸⁰ natural enough

⁷⁷ Louis H. Bean, *Ballot Behavior* (1940), p. 7; George Gallup in the *New York Times*, November 5, 1940.

⁷⁸ An act of Congress of 1872 fixed a uniform date in November for the election of representatives. Subsequently (1875) those states were exempted which had not yet complied and whose constitutions must be amended in order to make the change from an earlier date. In course of time all states but Maine abandoned September elections. Vermont (1913) was the last to do so. There a Republican majority of 25,000 had been regarded as presaging a national victory. See *New York Times*, September 4, 1932.

⁷⁹ The Whigs sang:

"Oh, have you heard how Old Maine went?
She went hell-bent for Governor Kent,
And for Tippecanoe and Tyler, too!"

⁸⁰ In 1936, when Roosevelt lost only Maine and Vermont, Chairman Farley remarked sarcastically: "As Maine goes, so goes Vermont." In 1940 another Democrat said of the September election that Maine, being still out of touch with national thought, had only behaved according to form.

because of Maine's Republican proclivity, is based on a misapprehension. Republican statisticians claim that a *sixty-per-cent* majority in Maine foreshadows a national majority.⁸¹ The percentage should be raised to 65, according to Dr. George Gallup, or 70, according to Louis H. Bean.⁸² The latter has earned the reputation of a competent authority. After the Maine election of 1936 he maintained that, contrary to current polls, the Democrats would cast about 60 per cent of the popular vote (actually it was 60.7) and carry all but three states (actually they carried all but two).⁸³ When a number of presidential years are examined, a party's percentages of the Maine vote, Bean finds,⁸⁴ fluctuate up and down with its national percentages. On the other hand, Claude E. Robinson does not think highly of Maine as a political barometer.⁸⁵ If it is said that a subnormal Republican vote (a plurality of 15,000 being the norm before the advent of woman suffrage) means Democratic success in November, "the returns . . . are of no value for practical forecasting purposes." If a formula of identical fluctuations is adopted (which means that, when two successive presidential years are compared, the Republican vote should vary as in the election of Maine's governor) the forecast will fail, he says, more than a third of the time. Possibly Robinson's method of reading the barometer is at fault. At any rate he could not justify such a low norm.

Latterly the outcome of presidential elections has been predicted by a more or less elaborate sampling of public opinion. During the early years of the century methods were crude.⁸⁶ In 1924, however, the *Literary Digest* tried to achieve accuracy by the mere size of the sample: ballots were mailed to 16,000,000 persons.⁸⁷ The success of

*Literary
Digest
poll*

⁸¹ *New York Times*, September 11, 1940. It should be noted regarding 1940 that the Republican percentage for senator was only 58, although the percentage for governor was 64.

⁸² Gallup in *Los Angeles Times*, September 8, 1940.

⁸³ *Ballot Behavior* (1940), p. 5. As to the use of Maine as the basis of a forecast in 1940, see "Washington Notes" in the *New Republic*, September 23, 1940.

⁸⁴ *Ibid.*, pp. 3-4.

⁸⁵ *Straw Votes: A Study in Political Prediction* (1932), pp. 37 and 42-43. Ernest Grüning shares his scepticism. "Actually," he says, "the Maine results, though suggestive of a national trend, have proved false as a political barometer sufficiently often to discredit the down-east oracle." *Current History*, Vol. XXXVII (1933), p. 420.

⁸⁶ Claude E. Robinson, "Recent Developments in the Straw-poll Field," *Public Opinion Quarterly*, Vol. I (1937), p. 45.

⁸⁷ Claude E. Robinson, *Straw Votes: a Study in Political Prediction* (1932), pp. 49-50.

this venture on successive occasions brought the *Digest* poll a high prestige. In 1932 the forecast gave Roosevelt 474 electoral votes and 56 per cent of the major-party vote as against 472 and 59 respectively in the actual election.⁸⁸ This remarkable triumph was followed, in 1936, by an equally remarkable failure. The forecast gave Roosevelt 161 electoral votes and 42.6 per cent of the major party vote as against 523 and 60.7 in the actual election. How shall this failure be explained? The size of the sample, although not so large as in 1932, was formidable, ten million ballots having been sent out and over two and a third million returned. The mailing list had been compiled, as hitherto, mainly on the basis of telephone subscribers and automobile owners. In a time of economic distress, however, when unemployment had reached gigantic proportions and when the poor felt the attraction of the New Deal, such a list proved quite inadequate. It excluded those elements of the population in which Roosevelt found his most enthusiastic support.

Institute
Poll

Meanwhile, the American Institute of Public Opinion, serving some seventy newspapers, had applied a new technique.⁸⁹ It made use of the "sampling referendum," which involved a survey of views among a relatively small number of persons, these representing certain groups of the population proportionately and in every section of the country. Procedure begins with a statistical analysis to determine what percentage of voters belongs in each group of political importance.⁹⁰ The sample must include members of all parties and all religions, rich and poor, old and young, men and women, farmers and city-dwellers—each type according to its strength in the electorate. The surveys are conducted by field reporters. They obtain answers to the appropriate questions by interviewing the voters in homes and offices, on farms and streets. For the presidential election of 1936 the Institute sounded only 312,551 persons,⁹¹ yet made a fairly accurate forecast.

⁸⁸ The poll erred in giving Roosevelt two states (Delaware and Pennsylvania), and 39 electoral votes, which he actually lost, and in taking from him three states (Massachusetts, Rhode Island, New Jersey), with 37 electoral votes, which he actually won.

⁸⁹ C. E. Robinson, as cited in the *Public Opinion Quarterly*, pp. 45 *et seq.*

⁹⁰ George Gallup in the *New York Times*, May 17, 1938; see also Handley Cantril in *ibid.*, October 26, 1936.

⁹¹ If the preliminary analysis has been conducted with scientific accuracy, the size of the sample has little significance. Stability of returns can be reached with a relatively small number of cases. In a survey of 1936, Dr. Gallup tells us (*op. cit.*), the first 500 cases showed a "no" vote of 54.9 per cent. The complete sample of 30,000 cases returned a "no" vote of 55.5 per cent. "In other

It estimated Roosevelt's percentage of the major-party vote as 54 and his electoral vote as 315 certainly, with a possible maximum of 519. In 1940 it gave him a percentage of 52, but only 198 certain electoral votes, 78 others probable, and 196 possible.⁹² The element of uncertainty rests on the fact that allowance must be made for a maximum four-point margin of error in the sampling process.

It is said that nothing succeeds like success. Perhaps there is a disposition among voters to support the winning side—or the side that seems to be winning. In the Roman Comitia, where the centuries cast their votes successively, the first vote was considered so influential that priority was determined by lot. So, too, in the election of delegates to a national convention, the fortunes of favorite aspirants, like Taft and Roosevelt in 1912, are supposed to be affected by the earlier results; and, therefore, defeats are sometimes disguised by disputing the authority of the returns and entering contests on quite frivolous grounds. Apparently, the voter would like to obey his conscience and his convictions, but realizes the superior strength of his cowardice, his fear of being ridiculed as a loser; he quakes and shivers before it, as before the dread specter of propaganda, which manufactures his consent for him. Such absurd notions explain hostility to pre-election polls and the proposal to regulate or prohibit them. Of course, the supineness of the voter has been exaggerated. Notwithstanding the prestige of the *Literary Digest* poll and its indication that Landon would get 370 electoral votes, Roosevelt won the most complete victory since the time of Monroe.

words, the addition of 29,500 cases to the first 500 cases made a difference of six-tenths of 1 per cent in the national findings."

⁹² For the popular vote the *Fortune* poll came nearest, with 55.2 per cent as against the actual 54.7; for the electoral vote the Crossley poll, with 344 as against the actual 449. The Dunn and Hurja surveys gave Willkie, respectively, 364 and 353. Dr. Gallup has never failed to pick the winner. His many local forecasts have been remarkably accurate; the percentage for Lehman (New York, 1938) erred by .5.

Chapter XXIII

CAMPAIGN FINANCE¹

Size of
campaign
funds

How much money is spent in the political campaign of a presidential year no one can tell. For the national party organizations figures are available. The federal corrupt-practice acts require committees that attempt to influence an election in two or more states to make a sworn return of receipts and expenditures. As to the funds handled by the state central committees, incomplete and perhaps misleading figures have been compiled from time to time.² But we are left in the dark as to the transactions of district, city, and county committees. What we know about the campaign resources of political machines in great cities like New York and Chicago gives the impression that in the aggregate the local funds must be gigantic. In measuring the party effort nationally these funds should not be ignored; for all propaganda concentrates upon the individual voter, who is likely to vote the Republican or Democratic national ticket if he votes the local ticket. Such data cannot be obtained, however; nor does there exist a sufficient basis of fact to make a "rough estimate" serviceable. The table on page 633 covers the limited area in which some approach to accuracy has been provided by official reports.

Republican
advantage

This table reveals one striking fact. In all six elections the Republicans, although defeated three times, had the larger fund. If we take the six preceding elections, the same superiority appears except for 1912 and 1916. Moreover, in 1912, year of the Roosevelt schism, the combined resources of Republicans and Progressives (soon to be

¹ See Louise Overacker, *Money in Elections* (1932) and articles on campaign expenditures in *American Political Science Review*, 1933, 1937, and 1941; James K. Pollock, *Party Campaign Funds* (1926) and *Money and Politics Abroad* (1932).

² According to *Senate Report No. 47* (1941), pp. 10 and 11, Republican state committees spent \$10,791,625 in 1940; Democratic, \$2,785,660. Similar information has been given for earlier campaigns. The figures for 1924 were: Republican committees, \$2,357,315, Democratic, \$564,023. But *Senate Report No. 1100* (1925), p. 24, confesses that the statement is far from complete. No attempt has been made to list the expenditures of county and city committees, although they do affect congressional elections.

EXPENDITURES BY NATIONAL COMMITTEES, 1920-1936³*Direct expenditures Subventions to states, etc.*

1920	Republican	\$4,022,580	\$1,394,921
	Democratic	1,310,171	160,200
1924	Republican	3,063,953	956,525
	Democratic	1,043,386	65,450
1928	Republican	4,064,518	2,191,593
	Democratic	3,157,454	2,184,896
1932	Republican	2,041,613	858,439
	Democratic	1,993,272	252,703
1936	Republican	6,892,972	2,058,630
	Democratic	4,531,484	663,257
1940	Republican	2,242,742	569,261
	Democratic	2,197,816	436,338

reunited) were greater by more than one half; and, on the second occasion, the total expenditures of the Republican committee, including subventions to the state committees, were greater by 6 per cent. The situation becomes clear when each Democratic fund is expressed as a percentage of the Republican: ⁴

1896-1900	1912-1915	1928-77
1900-1904	1916-1919	1932-97
1904-33	1920-28	1936-65
1908-38	1924-34	1940-98

A comparison of these figures with the election returns will show that the relative size of Democratic funds has not corresponded with

³ These figures are taken from Louise Overacker: 1920-1928, *Money in Elections*, p. 73; 1932, "Campaign Funds in a Depression Year," *American Political Science Review*, Vol. XXVII (1933), p. 770; 1936, "Campaign Funds . . .," *ibid.*, Vol. XXXI (1937), p. 476; 1940, "Campaign Finance . . .," *ibid.*, Vol. XXXV (1941), p. 706. Elsewhere somewhat different figures will be found. The situation in 1940 was novel. The Hatch Act ("an act to prevent pernicious political activities"), as amended in July, 1940, provided in section 21 that "no political committee [defined in the act] shall receive contributions aggregating more than \$3,000,000, or make expenditures aggregating more than \$3,000,000, during any calendar year." This embarrassing prohibition explains why Republican state committees spent nearly \$11,000,000 and why the national treasurer did not set off against the legal maximum the payment of a debt of \$639,307 or the sum handed over to the states. One evasive transaction may be noted. "In one significant respect," says Senate *Report No. 47* (1941), p. 10, "the Democratic National Committee used Democratic State committees to prevent the national committee from exceeding the \$3,000,000 limitation." This refers to an ingenious manipulation of payments for national broadcasts. See *ibid.*, pp. 81-88.

⁴ After 1900 I follow Professor Louise Overacker.

the fluctuations of the electoral vote. Bryan made a much better showing in 1896 than in 1908 when, his personality and policies having become familiar, he was less in need of propaganda.⁵ Davis in 1924 won 136 electoral votes; Smith in 1928, only 87. Yet the treasurer of the national committee declared in 1920: ⁶ "We have lost continuously because we did not have money enough to present the issues. There is no question about that." He added that Bryan never had a fund of more than \$600,000 (in reality he had somewhat larger sums in 1896 and 1908) and that "he would have won the first time if they had not closed up headquarters practically."

Is size of
campaign
fund im-
portant?

What did Wilbur R. Marsh imply by "money enough to present the issues"? No one has ventured to define such a minimum in terms of dollars. It is open to question that the Democratic party lacked such a minimum even in the era of William Jennings Bryan. Politicians overrate the importance of money and of the propaganda with which money enables them to deluge the electorate. In the same way they overrate the value of support by newspapers, making sacrifices to placate, say, the Hearst chain or the Scripps-Howard chain; yet election after election has shown that editorials have little influence in manufacturing public opinion. The size of campaign funds, however, does possess some significance. It indicates the attitude of the more affluent classes, which the treasurers of both major parties always try to tap. Why could the Democrats spend in 1876 almost as much as the Republicans, and in 1884 and 1892 even more? They enjoyed the confidence of monied interests. Tilden and Cleveland were "safe" men. Bryan was not. The attitude of certain business groups towards Franklin D. Roosevelt changed as the New Deal took form. Bankers and brokers gave almost equal support to him and to Hoover; but in 1936 they contributed only \$42,000 to the Democratic fund, \$579,000 to the Republican. Their revolt from the Democratic party, which showed no decline in 1940, has been termed "startling." Manufacturers, whose gifts favored Hoover by only three to one, made Landon their favorite by thirteen to one.⁷ People of wealth are not numerous. But comnier-

⁵ On the first occasion Bryan won 176 of 447 electoral votes, on the second, 162 of 483. In 1904 Parker won only 140 of 476.

⁶ *Hearings* before the Sub-committee of the Senate Committee on Privileges and Elections, 66th Congress, 2nd session, Vol. I (1921), p. 542.

⁷ For the distribution of contributions among the various economic interests see Louise Overacker in the *American Political Science Review*, Vol. XXVII (1933), p. 776, Vol. XXXI (1937), p. 485, and Vol. XXXV (1941), pp. 722-723. Republicans got 29.6 per cent of their large contributions from manufacturers in 1936; 34 per cent, in 1940.

cial and industrial leaders in particular exert great influence, both because of their character and attainments, and because of the dependence of the working class upon business prosperity. Their political views go far in determining the result of an election unless the so-called proletariat has been stirred to class-consciousness. The size of the campaign funds may serve, in a limited way, as a barometer.

Do the major parties spend too lavishly? An answer cannot easily be given because we do not know how much is spent. We know that the national committees disbursed more than \$14,000,000 in 1936. But the campaign is not conducted or financed by them alone. The party fights as a unit for the possession of all elective offices, whether local, state, or national; and the money given to promote the interests of a Republican candidate for the state assembly contributes to the success of the whole Republican ticket, presidential candidate included. Campaign funds are much larger, therefore, than the sums so far mentioned would suggest. Estimating ("in so far as figures are available") all expenditures that affected the presidential contest of 1928, Professor Overacker gives a total of \$16,500,000 for the major parties.⁸ The county committees, which certainly affect the result and which, she admits,⁹ spend as much as the state committees, do not appear in her list. If they were included, the total would reach \$23,793,000; and that is considerably more than twice what the national committees disbursed directly and indirectly.¹⁰ On this basis the campaign funds of the major parties aggregated at least \$28,500,000 in 1936, or 67 cents for every vote cast in the election. In fact, the sum must be increased so as to include unknown amounts spent by many candidates and their friends in campaigns for nomination as well as election. The primary cannot be ignored.¹¹ The money that has been spent to secure nomination has helped to popularize the candidate for election.

Is it too large?

It may be of interest to compare American with British practice. In the United Kingdom the Corrupt and Illegal Practices Act permits a candidate to spend for each registered voter ten cents in a borough constituency and twelve cents in a county constituency,

It is larger than the British

⁸ *Money in Elections* (1932), pp. 74-75.

⁹ *Ibid.*, p. 73.

¹⁰ The same thing holds true of Professor Overacker's estimates for 1924.

¹¹ In the presidential primary of 1920 Republican aspirants spent \$2,859,551; in that of 1928, \$607,058. *Money in Elections* (1932), p. 69. But our interest is by no means confined to the *presidential* primary.

together with small sums to cover personal expenses and the salary of an election agent. In addition to this the Central Office may spend as much as it pleases in the general interests of the party as a whole, the law being concerned only with the outlay in behalf of individual candidates. As borough and county constituencies are equal in number, the maximum expenditure may be said to average eleven cents for each registered voter. In 1935 there were no contests in 40 constituencies;¹² three-cornered contests in 155; and contests between two candidates in the remaining 420.¹³ If every candidate spent the maximum (which is far from being the case) and if the other permitted expenditures are included, the average sum for each registered voter would have been about 27 cents. In reality it must have been a good deal less. Taking the three elections of 1922, 1923, and 1924, the average (according to official figures) was 22 cents for each registered voter.¹⁴ If we could ascertain and include the central-office expenditures, the average would be somewhat higher. It is impossible to make comparable estimates for this country.¹⁵ If we assume that local committees spend no more than do state committees and if we base calculations on the whole number of adults, the two major parties spent for each adult some 37 cents in 1936 and 45 in 1940.¹⁶ Total expenditures greatly increased after the Hatch Act (1940) had imposed a national limit.¹⁷

Expenditure upon
publicity
legitimate

Critics in both countries ask why so much money is needed; the very magnitude of the sum creates a suspicion of impropriety in its use. Everyone who has taken a hand in politics knows that even today votes are bought and sold and that when the parties are of fairly equal strength the purchasable vote may sometimes be a decisive factor. But corruption of that sort is practised in the dark; the money is raised as secretly as it is spent. The law requires of the national committee, on the other hand, a fairly rigid accounting. Its financial transactions are made public in a sworn and itemized statement; and we know that what the committee gets it devotes to one vital object—publicity. The campaign is a great selling campaign.

¹² *Constitutional Year Book*, 1938, p. 286. ¹³ *Ibid.*, pp. 201–264.

¹⁴ *Ibid.*, p. 272 and Overacker, *Money in Elections* (1932), p. 82. The registers include about 65 per cent of the population. In the last three elections (1929, 1931, 1935) 77.9 per cent of the electorate have voted.

¹⁵ We lack figures for registration and for expenditures by individuals and local committees.

¹⁶ For each registered voter the amount would naturally be much larger.

¹⁷ See *supra*, p. 633, note 3.

The parties advertise their wares—platforms and candidates—just as the manufacturer of a breakfast food or shaving cream, seeking to gain a nation-wide market in the face of stiff competition, presents his case to consumers through the medium of newspapers and magazines. There may be waste and misrepresentation, a great deal of both; or one party, without having a really superior product, may make larger sales simply because it has the resources for more extensive advertising. Such circumstances cannot be regarded as condemning publicity, however. Since it is the means of informing and educating the electorate, publicity is a desirable thing, of which, some people believe, there cannot be too much. He would be a rash man who contended that a sum of ten or fifteen millions was too large for a national party to spend on an advertising campaign once every four years. The Anti-Saloon League, which confined its energies to the propagation of a single idea, had an annual budget of more than \$1,500,000 for ten years after the passage of the Eighteenth Amendment; and no one supposes that any part of it was diverted to corrupt purposes. The money that is used to debauch the electorate does not come from the national committee.

It is, indeed, not so much the size as the sources of the national campaign funds that occasions disquiet. Before the Civil War, and for some time after it, the parties depended on office-holders and office-seekers; for, in a period when the victor seized the spoils of office, the fears of the one class and the hopes of the other bound both alike to devoted party service.¹⁸ They not only acted as the shock troops, but also provided the contents of the war chest. As a matter of course, by way of insuring their official lives, civil servants handed over a percentage of their salaries to the party organization; and in the opposite party those who coveted a share of the public pay-roll bought chances in the lottery by contributing to the campaign fund. But under the Civil Service Act of 1883 a federal employee cannot solicit from or pay to another such employee any political contribution, and no one may solicit such a contribution on federal premises.¹⁹ In some of the states similar laws have been enacted; yet, notwithstanding such legislation, enormous sums are

Sources of
the funds
sometimes
dubious

¹⁸ See F. A. Ogg, "The Dollars behind the Ballots," *The World Today*, August, 1908, pp. 946 *et seq.*

¹⁹ Enforced services cannot take the place of enforced contributions. The Hatch Act (1939) bars administrative employees of the United States from taking an active part in political management or campaigns; also, where federal elections are concerned, employees of state agencies being financed wholly or in part by federal funds.

Assessment
of public
employees

still collected from state and municipal office-holders in the form of "voluntary" gifts which it would be unsafe to withhold.²⁰ In the South, Republican politicians impose systematic assessments upon federal employees. "I do know," said a Republican congressman from Texas in 1926,²¹ "that under a guise of voluntary party contributions tribute is levied by the 'organization' upon the salaries of many if not most of the federal appointees in Texas. The money collected is not used for legitimate party campaign expenses, but it goes into the coffers of the state organization for the building up of the patronage machine. . . . These demands are in the form of quarterly instalment notes." In 1921 a sum of almost \$100,000 was collected in this way. Similarly federal patronage is sold. "I do not say that all appointments are sold," said Representative Busby of Mississippi;²² "I know some persons who are beyond reproach." Doubtless, a part of the money finds its way to the national committee. Senator McKellar has said that "in my own state of Tennessee it developed early in this Administration that every applicant for office was assessed by the Republican organization with a certain amount which it was claimed was to be paid over to the Republican National Committee in order to take care of the deficit. . . . It turned out that the same condition of affairs existed in Arkansas, South Carolina, and perhaps other Southern states at least."²³ The assessment of civil servants is not confined to Republicans in the South, of course. It is a practice common to the whole country and to officials of both major parties.²⁴

²⁰ For recent examples see *Senate Report No. 47* (1941), pp. 48, 50, 56, 70. In these cases assessments varied from the usual 2 per cent to 10.

²¹ H. M. Wurzbach, *Congressional Record*, March 3, 1926, p. 4647.

²² "Dozens of instances of the sale of postmasterships, rural letter carrier positions, and other positions could be cited." *Congressional Record*, March 10, 1926, p. 5088.

²³ *New York Times*, March 30, 1924; reprinted in *Congressional Record*, April 17, 1924, pp. 6731-6734. "I found the National Committeeman from Tennessee, John W. Overall, receiving checks from applicants for Post Offices, rural carriers, and other offices, both civil service and those not under civil service. When it was found, on indisputable proof, that this sale of offices was going on, Mr. Overall denied that he got the money personally, and said it was being applied to the deficit of the Republican National Campaign Committee."

²⁴ Thus, in August, 1938, the Democratic state committee of Pennsylvania appealed to federal employees for financial assistance, asking for payment in a lump sum or in three instalments. The letter was signed by Senator Joseph F. Guffey. The chairman of the committee declared that, when informed about the provisions of the Corrupt Practices Act, he stopped sending out the letters. In reality, the same letter was sent out afterwards over a different signature.

Payment
of public
subsidies

The colossal expenditures of the Roosevelt administration served the interests of the Democratic party better, in 1936, than a campaign fund of \$20,000,000 or even \$40,000,000, if applied to mere propaganda, could have done. According to the Institute of Public Opinion, President Roosevelt was supported by 57 per cent of the voters who had received no money from the government; but the percentage rose to 68 in the case of subsidized farmers, 73 in the case of subsidized owners of land or homes, and 80 in the case of recipients of relief.²⁵ The *New York Times* observed: ²⁶ "It is difficult to read these figures without finding in them corroboration of the theory that the reward of spending is support at the polls on the part of those who are beneficiaries of the spending. This is not to say that the Roosevelt Administration has spent money solely and deliberately for the purpose of consolidating its political power. It is simply to say that by spending money on a hitherto unprecedented scale it has enormously increased the number of people who have a direct interest in Federal spending and the size of the stakes these people hold. A well-informed estimate has placed at 11,000,000 the number of people who are now receiving all or part of their income from the Federal government. It is difficult enough, at best, . . . to stave off the demands of the 'pressure groups' which clamor for more spending. But when the Government willingly abandons its own original policy of safeguarding the national credit, when it throws caution to the winds and continues year after year to spend lavishly for the sake of achieving an artificially induced prosperity, it breaks down all hope of effective resistance to the powerful lobbies which have a vested interest in a great national deficit."

Unem-
ployment
relief

Gratitude alone might well carry with it political support on the part of the subsidized classes. Certainly, prominent Democratic officials looked for a tangible expression of such gratitude. Harry L. Hopkins, then works progress administrator, speaking in Minnesota, said: ²⁷ "There is nothing wrong in supporting the political group that will give you the most." His deputy, Aubrey Williams, speaking before an audience that was mainly composed of WPA

In this case also the law was violated, since the letterhead bore the names of Senator Guffey and Governor Earle, the latter being a candidate for the Senate. *Senate Report No. 1*, 76th Congress, first session, 1939, Part I, p. 9.

²⁵ *New York Times*, May 20, 1938.

²⁶ Editorial, May 20, 1938.

²⁷ *Congressional Record*, January 19, 1939, p. 691. The Hatch Act (1939), sections 4-7, now protects relief workers from exploitation.

workers, said: ²⁸ "We've got to stick together. We've got to keep our friends in power." Political manipulation of WPA relief became evident in several ways. For example, at the time of the election of 1936 there were 2,482,681 persons on the roll; and at the time of the election of 1938, 3,216,400; but in November, 1937, an off-year from the standpoint of elections, only 1,519,740—in spite of the fact that unemployment was more general then than in November, 1936.²⁹ "You cannot," said Senator Tydings, himself a Democrat,³⁰ "drive the relief rolls up 50 per cent in 1938, when they went down 30 per cent in the same period in 1937, and explain it in any other way than that the appropriations were used for politics; and that is exactly what every Senator here knows was the case."

The party that cast its bread upon the waters was fairly certain to find it again, transmuted into votes. Instead of relying upon gratitude, however, some Democratic politicians applied intimidation. During an investigation of campaign expenditures in 1938, a committee of the Senate found that, not infrequently, contributions had been extorted. In Pennsylvania, WPA employees, with an average salary of \$60.50 a month, were solicited. It was "very apparent" that "an atmosphere of fear" existed—fear of being struck from the rolls.³¹ Large numbers of women engaged in a sewing project were induced to buy tickets for three different political gatherings at a dollar or a dollar and a half.³² In Luzerne county numerous workers "were requested and ordered to change their registration from Republican to Democratic with threats of the loss of their relief if they refused to comply with the demands, and it was further shown that numerous persons were separated from their employment with WPA shortly after their refusal to accede to such and similar demands."³³

In Kentucky pressure was exerted in behalf of Senator Barkley, as candidate for reelection. The WPA administrator, Hopkins, declared that twenty of twenty-two specific charges had no found-

²⁸ *Senate Report No. 1* (1939), Part I, p. 32.

²⁹ *Congressional Record*, January 20, 1939, pp. 783-784, and January 23, pp. 889-890. For an analysis of relief rolls since 1933 and their bearing on elections, see Frank R. Kent, "The Great Game of Politics," *Los Angeles Times* and other dailies of May 20, 1938. His figures are drawn from a minority report of the House committee on appropriations. For abuses in 1940 see *Senate Report No. 47* (1941), pp. 57-60.

³⁰ *Ibid.*, January 20, 1939, p. 808.

³¹ *Senate Report No. 1* (1939), Part I, p. 30.

³² *Ibid.*, p. 24.

³³ *Ibid.*, p. 25.

dation whatever and that sworn testimony and documented evidence had disproved every important accusation.³⁴ Then came investigation by the senatorial committee. Eighteen charges were sustained. "What did Mr. Hopkins do with the Stokes charges?" asked Senator White of Maine.³⁵ "Within two weeks after their publication he had taken notice of them; he had sent investigators into the state of Kentucky; these investigators had undertaken that investigation and completed their study of conditions; they had made their reports to Mr. Hopkins; Mr. Hopkins had studied their reports and he had prepared that lengthy broadside which appeared in the press on January 30. Mr. Hopkins moved with celerity; he moved promptly; he did as thorough a job of whitewashing as has ever come to my knowledge. No one was punished. . . . No one was discharged."³⁶

³⁴ *Ibid.*, Part II, pp. 61-62. The charges appeared in the Scripps-Howard dailies of June 6 and 13, 1938, the writer of the articles being Thomas L. Stokes. Hopkins alluded to "the unsupported statement of the reporter and the affidavits of disgruntled workers."

³⁵ *Congressional Record*, January 23, 1939, p. 867. Senator Reed of Kansas said (*ibid.*, January 19, p. 686): "In all my experience and in all my reading of the history of this country, never have I found an instance or instances when political practices were so sordid, when all considerations of fairness and decency were so disregarded as in the cases reported by this committee."

³⁶ Dealing with the vast expenditures on relief, Senator Smith of South Carolina said (*Congressional Record*, March 30, 1939, p. 4975): "What is the use? I am in the dog house. [Laughter.] I am in the dog house. All I can do is to stick my head out and bark. [Laughter.] Yes; and whenever they get too close to me, I want to bite. [Laughter.] It is time for us to call a halt on this tremendous expenditure of public money that has grown up in the billions when we know that the basis of it all is to corral votes. Let us call a spade a spade. The money is voted in the House and voted in the Senate, not for the welfare of America but to corral votes for some persons so they can warm these seats. What Congress has done has had the effect, indirectly, of buying votes. What is done may be according to the law Congress enacted, but the time will come when everyone who has been a party to this impoverishment of our country in order to buy votes will cover his head in shame. That page in our history will contain a record which will be to the everlasting shame of this body. We do not study the economic situation. Listen to the speeches that are made here; consider the votes that are cast, and when examined and analyzed they will be found to be based on the hope that 'I am going to be the fair-haired boy on election day.' Mr. President, it is not very encouraging for a man who thinks it his duty to stay within the delegated powers of the Constitution and make laws under its limitations to see others forget their duty and, with a senseless, mad rush, spend billions and billions of dollars for no other purpose in the wide world than to make the recipients of their largess remember them on election day. There is not a Senator who will deny that that is the purpose."

Legislative
remedies

Public disapproval of such abuses mounted steadily. Congress fell in line. The Hatch Act of August, 1939, makes it unlawful to deprive or threaten to deprive anyone of federal work or compensation for relief on account of race, creed, political activity or support of or opposition to any candidate or party, or to solicit or receive from a person on federal relief an assessment for any political purpose whatever, or to furnish or receive, for political purposes, any list of persons receiving federal relief. The penalty is fine, imprisonment, or both. Aside from its immediate object, the statute prohibits political activity on the part of administrative employees of the federal government. Such employees shall not use official authority or influence for the purpose of affecting the result of a primary or election; the penalty is stoppage of pay and removal from office. The House passed this measure, at the close of a sitting that lasted almost twelve hours, in spite of opposition by Democratic leaders; and it did so by a vote of 243 to 143.

Gifts by
organized
labor

While serving the country as a whole, political parties have divergent tendencies. They must be particularly attentive to the demands of certain groups or classes or geographical sections which can be harmonized in the effort to create an electoral majority. The New Deal took the side of organized labor against the "economic royalists." By legislative and administrative favors it won the confidence and support of labor unions; above all, of the industrial unions belonging to the recently established C.I.O. To secure the reelection of President Roosevelt organized labor planned to raise more than a million dollars in 1936.³⁷ The United Mine Workers alone contributed \$469,870 ("more than half of all that labor gave to Roosevelt's support"), according to Professor Overacker;³⁸ and also lent \$50,000 to the Democratic national committee. For the C.I.O. as a whole, the United Mine Workers being the chief affiliate,

Next day, in face of protests from New Dealers, he explained: "I spoke the truth as I saw it, and, God help me, I'll not take it back! . . . I would not sacrifice my convictions, I would not sacrifice my feelings, I would not be a mental prostitute for all the gifts of the Gods! . . . I reiterate every word I said in that speech yesterday; and in their hearts all men here know that their so-called humanitarianism and philanthropy is based on vote-getting." He didn't "give a cuss" what New-Deal Democrats thought about him. *Los Angeles Times*, April 1, 1939. See also *Congressional Record*, March 31, 1939, pp. 5030 and 5038.

³⁷ G. L. Berry in *United States News*, October 12, 1936. In 1940 labor gave a larger proportion of the Democratic national fund than in 1936.

³⁸ *American Political Science Review*, Vol. XXXI (1937), p. 490.

George Creel placed the total gifts to pro-Roosevelt agencies at \$700,000;³⁹ and the C.I.O. claimed to have given the President 5,000,000 votes. Such large gifts are sometimes condemned as inclining the party, out of gratitude, to comply with future demands. At any rate, it seems reasonable that such bodies as the A.F. of L. and the C.I.O., and their affiliated unions, should be prohibited, like business corporations, from contributing to campaign funds. Alternatively the British rule might be adopted. A British union may spend money for political purposes only out of a special fund, to which no member of the union contributes unless he has indicated in writing his desire to do so.

In the 'eighties business interests began contributing heavily to campaign funds, and in this disguised form purchasing favorable legislation and immunity from interference. In doubtful states they backed both parties. But in national politics, as beneficiaries of the protective tariff, they showed a preference for the Republican cause. Thus in 1888, when President Cleveland had committed the Democratic party to a revenue tariff, if not to free trade, the treasurer of the Republican national committee, John Wanamaker, appealed to business men in this way: "How much would you pay for insurance upon your business? If you were confronted with from one year to three years of general depression by a change in our revenue and protective measures affecting our manufactures, wages, and good times, what would you pay to be insured for a better year?" The appeal met with complete success. In 1896 Mark Hanna, the national chairman, was still more favorably situated, because the Republican party stood not only for the protective tariff, but also for "sound money" as against free silver. "Inasmuch as the security of business and the credit system of the country were involved in the issues of the campaign," says Herbert Croly,⁴⁰ "appeals were made to banks and business men, irrespective of party affiliations, to come to the assistance of the National Committee. Responsible men were appointed to act as local agents in all fruitful neighborhoods for the purpose both of soliciting and receiving contributions. In the case of the banks, a regular assessment was levied, calculated, I believe, at the rate of one-quarter of one per cent of their capital, and this assessment was for the most part paid. It is a matter of public record that large financial institutions, such as life insurance companies,

Levies
on big
business

Hanna
in 1896

³⁹ Frank R. Kent, "The Great Game of Politics," *Los Angeles Times* and other dailies, September 4 and 24, 1937.

⁴⁰ *Marcus Alonzo Hanna*, p. 219.

were liberal contributors. The Standard Oil Company gave \$250,000, but this particular corporation was controlled by men who knew Mr. Hanna and was particularly generous. Other corporations and many individual capitalists and bankers made substantial but smaller donations. Mr. Hanna always did his best to convert the practice from a matter of political begging on the one side and donating on the other into a matter of systematic assessment according to the means of the individual and institution." The Republican campaign fund of 1892 had amounted to \$1,500,000. It is sometimes said that Hanna raised in 1896 ten or fifteen millions.⁴¹ According to the audited accounts of the committee the sum fell below \$3,500,000. Four years later the collections approximated \$2,500,000.⁴²

Hanna
in 1900

In 1900 Hanna "solicited and obtained support from Wall Street more explicitly and more exclusively than he had in 1896. The explicit recognition on the part of the contributors that they were paying for a definite service enabled Mr. Hanna still further to systematize the work of collection. The size of a contribution from any particular corporation was not left wholly to the liberality or discretion of its officers. An attempt was made with some measure of success to make every corporation pay according to its stake in the general prosperity of the country and according to its special interest in a region in which a large amount of expensive canvassing had to be done. In case an exceptionally opulent corporation or business firm contributed decidedly less than was considered its fair proportion, the cheque might be returned. There are a number of such cases on record. On the other hand, an excessively liberal subscription might also be sent back in part,—assuming, of course, that the committee had collected as much money as it needed, or more. . . .⁴³ Mr. Hanna introduced some semblance of business

⁴¹ Thus Charles Willis Thompson in the *New York Times* (September 5, 1920) says: "Mark Hanna spent \$16,500,000, and there was no high cost of living in those days." Arthur W. Dunn (*op. cit.*, Vol. I, p. 194) says: "Who can tell? Whether it was ten or fifteen millions does not matter. All that was needed was raised."

⁴² Croly, *op. cit.*, p. 323.

⁴³ "The Standard Oil Company contributed \$250,000 in 1900, as it had done in 1896; and there was, I believe, only one other contribution received by the Committee of the same size. When the election was over the officials of the Company were astounded to receive a letter from the Committee containing a check for \$50,000. They had contributed more than their share, and the surplus over and above the necessities of the campaign permitted the Committee to reimburse them to that extent. Incidents of this kind naturally increased the confidence of business men in the new management of the Republican party.

method into a system of campaign contributions which at its worst had fluctuated somewhere between the extremes of blackmail and bribery. If it had been allowed to develop farther, the system might have become a sort of unofficial taxation which a certain class of business was obliged to pay, because in one way or another its prosperity and even its safety had become dependent upon the political management of the country. Even in the extreme form which it assumed in 1900, the system itself remained the natural outcome of a relation between business and politics which the politico-economic history of the country had conspired to produce and for which in a very real sense the mass of the American people were just as much responsible as were its beneficiaries and perpetrators. Mr. Hanna merely developed it, and removed from it, so far as possible, the taint of ordinary corruption. Just as the work performed by individuals on behalf of McKinley's first nomination was never paid for by the promise of particular offices, so these contributions were not accepted in return for the promise of particular favors. In one instance a cheque for \$10,000 was returned to a firm of bankers in Wall Street because a definite service was by implication demanded in return for the contribution."⁴⁴

Theodore Roosevelt, while governor of New York, had encountered and combated the disguised purchase of political favors. As the presidential candidate in 1904 he took a firm stand against the Hanna methods. "Before the campaign ended," says J. B. Bishop,⁴⁵ "it was made clear to all men that the old view of contributions had passed away and, so far as Roosevelt was concerned, a new one had taken its place." He did not place any limit on the size of the con-

Roosevelt's
attitude
in 1904

Money was not being extorted from them on political pretexts for the benefit of political professionals. They were paying a definite sum in return for protection against political attacks." *Ibid.*, p. 325.

⁴⁴ *Ibid.*, pp. 324-326.

⁴⁵ *Theodore Roosevelt and His Time* (1920), Vol. I, p. 312. "When the campaign opened a curious mental condition was revealed. The managers of the campaign made no request from people who had been most bitter in their denunciation of the President's policies. These at once complained that they had not been called upon, asking if failure to do so meant that they were to be proceeded against after election. One quite prominent financial magnate, who had been especially vehement in denunciation, called upon the managers, and asked: 'What does this mean? Why have not I been asked to contribute? Have I not just as much right to contribute as anybody else? Am I to be discriminated against after election?' These inquiries revealed in a striking manner the conception as to the nature of campaign contributions which had prevailed previous to Theodore Roosevelt in public office."

tributions; it was with their purpose that he was concerned. "It is entirely legitimate," he informed the chairman of the national committee,⁴⁶ "to accept contributions, no matter how large they are, from individuals and corporations on the terms on which I happen to know that you have accepted them, that is, with the explicit understanding that they are given and received with no thought of any more obligation on the part of the National Committee or of the National Administration than is implied in the statement that every man shall receive a square deal, no more and no less, and that this I shall guarantee in any event to the best of my ability. . . . We cannot under any circumstances afford to take a contribution which can be even improperly construed as putting us under an improper obligation." He therefore instructed Cortelyou to return to the Standard Oil Company a check for \$100,000,⁴⁷ and to the Tobacco Trust, against which the government was about to bring proceedings, a check for the same amount.⁴⁸ Later, in his messages of 1905 and 1906, President Roosevelt urged Congress to enact a law forbidding corporations to make contributions for any political purpose.⁴⁹ The law of 1907 makes it unlawful for any national corporation or national bank to contribute money for the purposes of any election, and for any corporation whatever to contribute money for the purposes of an election in which any national officer is voted for. The efficacy of the law may be doubted; for it does not prevent the officers of such corporations from contributing as individuals.

Since that time the public conscience has grown more sensitive. The mere size of a contribution, nowadays, is enough to arouse suspicion and criticism. "Can any reasonable person," says Senator McKellar,⁵⁰ "take the position that the contribution of hundreds of

Large
donations
now con-
demned

⁴⁶ Bishop, *op. cit.*, Vol. I, p. 329.

⁴⁷ Roosevelt had been misinformed. The corporation had made no contribution. H. H. Rogers, one of the oil magnates, had, however, given his personal check for the same amount. This the treasurer of the committee retained, not wishing to offend Rogers. According to Bishop (*op. cit.*, Vol. II, p. 98), Roosevelt did not learn the truth of the matter till September, 1908. As to the controversy over the Harriman fund of \$250,000 see Dunn, *op. cit.*, Vol. II, p. 41.

⁴⁸ Dunn, *op. cit.*, Vol. I, p. 401.

⁴⁹ *Congressional Record*, December 5, 1905, and December 4, 1906, p. 22. In 1904 he had recommended a law against bribery and corruption in federal elections.

⁵⁰ As cited in note 23. Referring to the charge that two oil magnates, Doheny and Sinclair, gave large sums to both parties in 1920, the senator said: "I don't believe any one will believe that these gifts were made with any other

thousands of dollars to further the political fortunes of a candidate will not, in the ordinary course of events, influence the acts of such a person in the event of his election to office? . . . Can it be argued that in the giving of a fortune in bringing about the election of a certain candidate for office it is without some expectation of future reward? Can any one think that such gifts are gifts without strings to them?" In the course of an address delivered in the spring of 1924, Senator William E. Borah took a similar position. "So long as political parties seeking power or control of the government," he said,⁵¹ "accept vast contributions from those who are interested in matters of legislation or administration, you will have sinister and corrupt and controlled government. In these days the government deals with all the vast concerns of business, coal, railroads, ships, oil, tariffs, and it is simply intolerable that political parties accept vast contributions from those vitally interested in these matters. It is still worse for the parties to go out and solicit contributions from such individuals. For, I repeat, these unusual sums are not given merely because of the common interest which partisans have in their parties. Both political parties have for years placed themselves in an indefensible position in these matters. It all leads to that sinister and subtle influence which does more to break down representative government than any specific instance or open bribe. Besides, the open bribe follows inevitably as a result of the former practice."

The parties could not well ignore the growing popular sentiment which these observations reflect. Long before a legal limit of \$5,000 was set in 1940, they tended to emphasize the importance of small contributions.⁵² In 1908 the Democrats fixed \$10,000 as the maximum that would be accepted from any individual and invited every member of the party to give the sum of one dollar. The response proved discouraging. Eight years later, with a shrewdly devised plan of organizing committees in every town of more than 500 population, nearly a quarter of a million Democrats were persuaded to contribute small sums;⁵³ and in 1920, as a preliminary to sending out appeals, the treasurer prepared a list of half a million Democrats whose incomes would justify an expectation of their

But small
sums ap-
parently
insufficient

purpose than to do what is called in gambling parlance 'play both ends against the middle.' With those tremendous gifts to both parties, their idea was that they could get enormous returns, whichever way the election went."

⁵¹ *New York Times*, April 7, 1924.

⁵² Pollock, *Party Campaign Funds* (1926), pp. 68-80.

⁵³ *Hearings*, as cited, Vol. I, pp. 535 *et seq.* and 1568 *et seq.*

subscribing to the party funds. The Republicans, having had some success in collecting ten-dollar contributions in 1916, developed elaborate machinery for the popular financing of the next campaign.⁵⁴ They desired not only to work a real reform by eliminating the possible taint of improper obligations, but also to stimulate political interest, which was just as much the objective as the money itself. Contributions were limited to a maximum of \$1,000.⁵⁵ The plan succeeded fairly well, though it involved heavy expense in the employment of high-salaried professional collectors. Down to August 26, 1920, the treasurer received 30,904 contributions, averaging \$92.30.⁵⁶ In the next campaign, however, little was heard about small contributions and nothing at all about any maximum limit. The Republican national committee received more than a hundred checks for \$5,000 or over, three being for \$25,000 and one for \$50,000.⁵⁷ It may be of interest to give, for the campaigns of 1908-1936, data with respect to (1) the number of individuals making gifts, (2) the percentage of the total fund represented by gifts of \$5,000 or more, (3) the number of gifts of \$25,000 or more, and (4) the number of gifts of \$50,000 or more.

Gifts to
the major
parties
compared

The tables on pages 649 and 650 reveal some facts that may occasion surprise. In recent times the Republican party, so often accused of subservience to big business, has depended less upon large gifts and has had a wider financial base than the Democratic. Even in 1936, when the wealthy classes regarded the policies of the New Deal with pronounced dislike, the situation changed only with respect to gifts of \$25,000 and above. It is interesting to note that, while the Republican national committee received no sums as large as \$100,000 in 1928 and 1932, the Democrats fared much better; and, in the former year, when Governor Smith was surrounded by millionaires, the

⁵⁴ The plans, as described by the national chairman, will be found in *Hearings*, Vol. I, pp. 1081-1084.

⁵⁵ From December 1, 1918, to August 26, 1920, only 47 contributions exceeded that sum. The largest sum received after the holding of the national convention was \$2,500. *Ibid.*, Vol. I, pp. 1102. Nevertheless, on the basis of tentative quotas that had been assigned to each state and its subdivisions, the Democratic candidate, James M. Cox, charged the Republicans with attempting to raise "not less than \$15,000,000." *Hearings*, I, 1070-1075. For a dispassionate discussion of this charge see *World's Work*, Vol. XLI (1920), pp. 9-14. The size of the Republican fund of 1896 was similarly exaggerated.

⁵⁶ *Hearings*, Vol. I, p. 1103.

⁵⁷ The Democratic committee received 39 checks for \$5,000 or over, the largest being for \$50,000. *Senate Report No. 1100* (1925), pp. 12-14, 20-21, and 23-24.

NUMBER OF CONTRIBUTIONS ⁵⁸

	<i>Republican</i>	<i>Democratic</i>
1908	12,330 (est.)	74,000 (est.)
1912	2,600 (est.)	89,815
1916	34,205	170,000
1920	50,777	no data
1924	90,227	no data
1928	143,749	90,456
1932	39,950	26,581
1936	85,000 ⁵⁹	54,818 ⁵⁹
1940 ⁶⁰	39,169	37,998

PERCENTAGE OF FUND REPRESENTED BY GIFTS OF \$5,000 OR MORE ⁶¹

	<i>Republican</i>	<i>Democratic</i>
1908	30.9	7.5
1912	44.8	33.3
1916	41.4	34.4
1920	0.1	26.2
1924	26.2	45.2
1928	45.8	52.7
1932	40.01	43.7
1936	24.2	26.
1940 ⁶⁰	3.8	13.1

four largest contributors gave over a million dollars.⁶² In 1936, on the other hand, the Republicans received eight gifts of \$100,000 or more, the members of two families (Pew and Du Pont) giving over a million dollars among them.⁶³ What dwarfed the importance of

⁵⁸ For 1908-1928, Overacker, *Money in Elections* (1932), pp. 132-133; for 1932-1940, Overacker in the *American Political Science Review*, Vol. XXVII (1933), p. 772, Vol. XXXI (1937), pp. 481-482, and Vol. XXXV (1941), p. 716.

⁵⁹ The Republican committee reported only 85,000, but claimed 331,307. By counting individual Jackson Day diners and trade union members, the Democrats might have claimed more than 600,000, says Dr. Overacker.

⁶⁰ The Hatch Act, as amended in 1940, limited (1) aggregate individual gifts on behalf of a candidate for federal office to \$5,000 (gifts to state and local organizations excepted) and (2) receipts or expenditures of any political committee to \$3,000,000 during any calendar year.

⁶¹ For 1908-1928, Overacker, *Money in Elections* (1932), pp. 132-133; for 1932-1940, Overacker as cited in note 58 except that the page for 1933 is 773, and for 1937 it is 484.

⁶² Overacker, *Money in Elections* (1932), p. 155.

⁶³ The Democrats received one gift of \$100,000, only half of the sum going to the national committee. But the United Mine Workers contributed some \$470,000 to organizations supporting Roosevelt. See p. 642 *supra*.

	GIFTS OF (1) \$25,000 OR MORE		(2) \$50,000 OR MORE	
	Rep.	Dem.	Rep.	Dem.
1908	4	0	1	0
1912	4	2	2	0
1916	8	6	1	1
1920	0	2	0	0
1924	5	3	0	1
1928	43	25	1	9
1932	10	6	1	1
1936	28	8	18	3
1940	Individual gifts now limited by law to \$5,000.			

this campaign fund was the support coming to the Administration from classes that had received federal subsidies or legislative favors. In 1940 the Hatch Act limited aggregate individual gifts during any calendar year to \$5,000. The limitation did not, however, affect gifts to local and state committees or prevent evasion by splitting a large gift among various members of one family group. Thus a Senate report shows that Republican bodies received \$59,000 from the Rockefellers, \$186,780 from the Du Ponts, and \$108,000 from the Pews; and more than \$25,000 each from five other family groups.

Sale of
Demo-
cratic Con-
vention
Book

In 1936 the Democrats showed some ingenuity in supplementing the ordinary sources of their fund. The Jackson Day dinners, at \$5 to \$100 a plate, earned a profit of \$315,000.⁶⁴ Quite novel was the sale of the *Book of the Democratic Convention*, which brought in \$480,000 during the last half of 1936, with an additional \$385,000 for advertisement in the *Book*;⁶⁵ and \$368,000 during the first eight months of 1937 towards meeting the committee's deficit.⁶⁶ "It weighed a great deal," observed the *New York Times*.⁶⁷ "But it was not worth \$100, even with a Presidential autograph, and nobody supposed that it was. Individuals who paid that much or more for it were buying not more than \$5 worth of book and \$95 or more of

⁶⁴ Overacker, *American Political Science Review*, Vol. XXXI (1937), p. 481. In 1938 the dinners earned a profit of \$427,000 (*Los Angeles Times*, March 11); in 1940, \$422,582 (Overacker in *American Political Science Review*, Vol. XXXV, 1941, p. 715).

⁶⁵ *Ibid.*, pp. 479-480. Since large commissions were paid to solicitors, the net profit may not have exceeded \$250,000. A *de luxe* edition, bound in leather and autographed by President Roosevelt, sold for a sum varying from \$100 to \$250. In 1940 the *Book* yielded \$338,069 (Overacker, as in note 64).

⁶⁶ Senator Holt in *Congressional Record*, June 27, 1938, p. 13064.

⁶⁷ January 14, 1938.

Democratic good-will. And, as Attorney General Cummings now seems to be admitting, it isn't ethical for a corporation, even after an election, to buy, or to try to buy, an Administration's good-will." Representative Snell (Republican) charged that more than 900 corporations had bought the *Book*, sometimes many copies, at a cost of more than \$1,000,000.⁶⁸ Senator Holt (Democrat) of West Virginia presented a complete list of purchasers. "It is quite shocking," he said,⁶⁹ "to see money being accepted from some firms which the Administration claims to be so bitter antilabor that they have been charged with violating the Wagner Act and being hostile to unions. The list also contains some of the best-known economic royalists. . . . Some firms who bought books at outrageous sums do business with the Federal Government. Other firms who want to do business with the Federal Government also purchased these books. . . . Many incidents have been related about the blackjacking of individuals to force them to buy."⁷⁰ Democrats maintained that the sale of the book was not unlawful, since the Corrupt Practices Act forbade corporations to make political contributions *before, not after*, an election.

The federal Corrupt Practices Act will be discussed in the next chapter. It forbids all corporations from making gifts "in connection with any election" in which presidential electors, senators, and representatives in Congress are voted for. When, immediately after such an election, money is given to meet liabilities that have been incurred therefor, should not the prohibition be applicable? Be that as it may, the problem raised by deficits is a serious one. If large

Why
deficits are
objec-
tionable

⁶⁸ New York *Times*, August 13, 1937.

⁶⁹ *Congressional Record*, June 27, 1938, p. 13064. The list of contributors occupies 14½ pages of the *Record*. As to individual purchases the thirteen largest ranged from \$7,000 to \$20,000.

⁷⁰ Representative Snell condemned "this disgraceful and demoralizing political racketeering" as an unlawful device. He said further (New York *Times*, August 13, 1937): "Evidence from many quarters indicates that threats, intimidation and coercion are the regular routine sales methods employed by agents of the Democratic National Committee in soliciting individuals and corporations having business before the several departments of the Federal Government. In many cases, these threats amount to bold demands closely approaching, if not actually constituting, political tribute for the privilege of continuing cordial business relations with the Government of the United States. Under the Federal Corrupt Practices Act of 1925, fines collectable to date for the sale of these books aggregate approximately \$18,000,000; yet so far as the public record shows, not a single prosecution has been initiated by the Attorney General."

gifts are made in the course of a campaign, they attract attention; by speeches and pamphlets and editorials their significance can be made plain to the electorate, possibly becoming an issue between the parties, and affecting their verdict at the polls. Later on the public loses interest in party finance. It scarcely notices the transactions by which, during the next two or three years, the deficits are wiped out. On the other hand, the parties are very much interested. They are very grateful to the donors. Because money is harder to get after the excitement of the campaign has subsided, they may be less disposed to scrutinize the source of a check for \$150,000 or to insist that no implied condition shall be attached to it.

How they
are met

The national committees do not seem to have profited by Micawber's sage advice.⁷¹ Deficits have become all too common. Indeed, with the Democratic party they are chronic:⁷²

1912	\$48,000	1928	\$1,600,000
1916	632,000	1932	769,000
1920	272,000	1936	445,000
1924	262,000	1940	423,062

The Republicans, with more reliable sources of supply, have made a better financial record. True, the campaign of 1920 put them in the red almost to the extent of \$1,500,000;⁷³ for the plan to rely altogether upon small subscriptions worked badly. But they got back to normal practice, with a surplus of \$355,000 in 1924 and a surplus of \$286,000 in 1928.⁷⁴ Then came deficits of \$195,000 in 1932, \$915,314 in 1936, and \$345,000 in 1940.⁷⁵ The financing of such deficits often puts the party under obligations to a few wealthy individuals. Just before the election of 1904 Thomas F. Ryan liquidated the debts of the Democratic committee with a check for

⁷¹ "Annual income £20, annual expenditure £19, 19, and 6, result happiness. Annual income £20, annual expenditure £20, aught, and 6; result misery. The blossom is blighted, the leaf is withered, the God of day goes down upon the weary scene, and—in short you are forever floored."

⁷² For 1912–1928, Overacker, *Money in Elections*, pp. 152 and 154; for 1932–1940, Overacker, *American Political Science Review*, Vol. XXVII (1933), p. 782, Vol. XXXI (1937), p. 496, and Vol. XXXV (1941), p. 724.

⁷³ Overacker, *Money in Elections*, p. 147.

⁷⁴ Pollock, *American Political Science Review*, Vol. XXIII (1929), p. 66.

⁷⁵ Overacker, *A. P. S. Review*, as cited above, note 72. By the end of the year the Republicans had extinguished the deficit of 1940; but two months later the Democrats still owed \$314,000. Not till March, 1940, did either party get clear of the debts of the previous campaign.

\$350,000;⁷⁶ in 1921 Edward L. Doheny, who had contributed to the campaign funds of both parties, helped to defray the deficit;⁷⁷ in 1925 or later Ryan gave \$75,000, Jesse H. Jones \$60,000, and several others \$20,000 or more for a similar purpose;⁷⁸ in 1929 three men (Kenny, Lehman, and Raskob) gave \$150,000 each, Meehan \$100,000, and four others \$50,000 each.⁷⁹ No scandal was involved in any of these cases. The same cannot be said of Harry L. Sinclair's contributions to the Republican party. He gave \$160,000 and loaned, without interest, \$100,000. "This assistance was given late in 1923," says Professor Overacker,⁸⁰ "after the first naval base investigations had begun, after the New Mexico testimony indicated that Secretary of the Interior Fall's relations with Doheny had been questionable, and after it was evident that Sinclair's payments to Fall (presumably in return for Teapot Dome) would be discovered. . . . The darkest spot in the story of the financing of this deficit is the way in which it was concealed. There was, of course, good reason for concealing Mr. Sinclair's part in it. . . . Last, but not least, the official records which had been kept by Mr. Upham as treasurer were destroyed early in 1924."

⁷⁶ Overacker, *Money in Elections*, p. 152.

⁷⁷ *Ibid.*, p. 153.

⁷⁸ *Ibid.*, p. 153.

⁷⁹ *Ibid.*, p. 154.

⁸⁰ *Ibid.*, pp. 149 and 151.

Chapter XXIV

CORRUPT PRACTICES¹

Public
money for
party use

The national campaign funds are not employed, as they once were, in the vulgar forms of corruption, such as bribery and the purchase of votes. In 1940 Congress attempted, but not altogether successfully, to remove other grounds of complaint. For any calendar year it limited total receipts to \$3,000,000 and individual gifts to \$5,000. Before that time campaign funds had been criticized, first, because of their source, large contributors often expecting a return of some kind from their investment; and, secondly, because of their disproportionate size, the Republicans having a marked advantage in this respect. "We have lost continuously," the Democratic treasurer declared in 1920,² "because we did not have money enough to present the issue. There is no question about that." As to the remedy, critics did not agree. In his message of 1907 President Theodore Roosevelt suggested an appropriation of public money for the use of parties. "There is," he said,³ "a very radical measure which would, I believe, work a substantial improvement in our system of conducting a campaign, although I am well aware that it will take some time for people so to familiarize themselves with such a proposal as to be willing to consider its adoption. The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties, an appropriation ample enough to meet the necessity for thorough organization and machinery, which require a large expendi-

Roosevelt's
proposal

¹ On this subject see *Corrupt Practices at Elections* (Senate document 11, 75th Congress, first session, 1937). This valuable abstract was compiled by Professor Harry Best of the University of Kentucky. See also Louise Overacker, *Money in Elections* (1932), Chapters X-XIII.

² *Hearings of Senate committee* (1921), Vol. I, p. 532.

³ *Congressional Record*, Dec. 3, 1907, p. 78. As to the efficacy of corrupt-practice laws, Roosevelt pointed to a danger. From their very nature they "are difficult of enforcement; the danger being lest they be obeyed only by the honest, and disobeyed by the unscrupulous, so as to act only as a penalty upon honest men. Moreover, no such law would hamper an unscrupulous man of unlimited means from buying his own way into office."

ture of money. Then the stipulation should be made that no party receiving campaign funds from the Treasury should accept more than a fixed amount from any individual subscriber or donor; and the necessary publicity for receipts and expenditures could without difficulty be provided."

The proposal did not then, or later, commend itself to Congress. But in 1910 the Colorado legislature adopted it in a more rigid form than Roosevelt had suggested.⁴ The statute provided that the state chairman of each political party should receive from the public treasury "a sum equal to twenty-five cents for each vote cast at the last preceding general election for the nominee for governor of that political party" and that he should transmit to each county chairman a sum equal to twelve and a half cents for each vote cast for the nominee in the county; that each candidate for office might contribute a sum not exceeding 40 per cent of the first year's salary of such office; and that any other person or corporation contributing any money or property should be deemed guilty of a felony. This statute, manifestly at variance with a provision of the constitution which forbade the use of public money for sectarian, partisan, or charitable purposes, never went into effect. The state supreme court declared it unconstitutional in 1911.⁵ It was expressly repealed ten years later. Whatever may be said about the principle involved, its application in this particular case—so unfair to minor parties and new parties—was clearly unreasonable.

The Colorado plan

In commenting upon the President's proposal, a writer in the *Independent* conceived the idea of publishing throughout the campaign an official daily bulletin, which would be distributed free of charge to every registered voter. All candidates would have access

Bryan's "national bulletin" rejected

⁴ Session laws, Chap. 141.

⁵ In the case of *McDonald v. Galligan*. In 1936 (*New York Times*, October 16), the chairman of the campaign-funds investigating committee suggested that all costs of elections should be borne by the federal, state, and local governments. Under such circumstances, he said, "a citizen without means could aspire to office and election law violations relating to the financial aspect of elections would be minimized, if not removed, with adequate penalties for violations. In many instances large sums of money are contributed to nominate and elect persons of wealth or those backed by wealth. If contributions from all sources were prohibited and the government handled the problem, aspiring citizens, rich, moderately well off, and poor, would be on an equal basis. Observers of political activities have seen instances where contests have had the appearance of an auction." The senator added: "I hope to see the day when the electorate will be so educated that there will be no necessity for campaign ballyhoo, rallies and so on. It is a question of enlightenment."

to the bulletin on equal terms.⁶ Mr. Bryan recurred to this idea in 1920. He urged the Democratic convention to incorporate the following plank in its platform: "We favor a national bulletin, not a newspaper, but a bulletin issued by the federal government, under the fair and equitable control of the two leading parties, such bulletin to furnish information as to the political issues of the campaign, editorial space and space for presentation of claims of candidates proportionately divided between the parties." Such a bulletin, he said,⁸ "offers the only means by which the people can receive, through unpolluted channels, the information that they need." For "government by the consent of the governed is a mockery unless the people know to what they are consenting"; "the voters cannot vote intelligently unless they hear both sides"; and "any man of merit should be able to aspire to the highest office within the gift of the people regardless of whether he has fortune himself or rich friends or is poor." The resolution was defeated without a roll-call.⁹

Publicity
pamphlets

Twenty-five or thirty years ago an official bulletin, in the modified form of the "publicity pamphlet," made its appearance in five states.¹⁰ It was abandoned, after a short experiment, in Montana (1918), South Dakota (1921), and Wyoming (1919); and, since 1923, has been issued in North Dakota only when constitutional amendments and other measures are submitted to the people. The pamphlet is distributed, free of charge, to all registered voters. The Oregon law of 1909, as amended, provides that the state executive

⁶ James Mackaye, "The Substitute for the Campaign Fund," *Independent*, Vol. LXIV (1908), pp. 1142 *et seq.* "In this way," he says, "wealth, or the backing of wealth, would cease in great measure to be the determining factor in elections. The candidate who desired to represent public interests would have something like as fair a chance as he who desired to represent vested interests. . . ."

⁷ *Proceedings*, p. 202.

⁸ *Ibid.*, p. 213.

⁹ *Ibid.*, p. 261. Speaking against the resolution, Bainbridge Colby observed (p. 243) that the *Congressional Record*, which presents the case of both parties without discrimination, is "the most widely unread newspaper in the world."

¹⁰ Oregon (1909), North Dakota (1911), Wyoming (1911), Montana (1913), and South Dakota (1916). A Colorado law of 1913 never became effective, its validity requiring an amendment to the constitution. The Florida law, which applied only to primaries, was repealed in 1935. As to the use of publicity pamphlets, see p. 514 (*re* election campaign), p. 524 (*re* primary campaign), and pp. 694-696 (*re* submission of constitutional amendments and other measures).

committee of any political party "may file with the secretary of state portrait cuts of its candidates and typewritten statements and arguments for the success of its principles and the election of its candidates, and opposing or attacking the principles and candidates of all other parties." Independent candidates enjoy a like privilege. The material is printed in pamphlet form and mailed to the voters at least ten days before the election. For each page a charge of fifty dollars is made. The maximum allowance of space is two pages for an independent candidate and twenty-four pages for a political party.

The purpose of the Oregon law, as stated in the preamble, is, "as nearly as possible," to prevent the use of any means but arguments addressed to the voters' reason. The spending of large sums of money in the elections "tends to the choice of none but rich men or tools of wealthy corporations to important offices, and thus deprives the people's government of the services of its poorer citizens regardless of their ability." The law proceeds, therefore, to set a very severe limitation upon expenditures. Beyond his contribution toward the cost of the statement appearing in the pamphlet, a candidate is restricted to a sum not exceeding 10 per cent of one year's salary of the office he is seeking.¹¹ Ten per cent of the salary of governor is \$750. Obviously such slender resources will not permit a candidate to make himself known to 475,000 voters scattered over an

¹¹ "No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this state, except such as he may contribute toward payment for his political party's or independent statement in the pamphlet herein provided for, to be paid by him in his campaign for election, in excess of 10 per cent of one year's salary or compensation of the office for which he is nominated; provided, that no candidate shall be restricted to less than \$100. No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any political party or organization to promote the success of the principles or candidates of such party or organization, contrary to the provisions of this act. For the purposes of this act the contribution, expenditure, or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employee, or fellow official or fellow employee of a corporation shall be deemed to be that of the candidate himself." In North Dakota "no sum of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this state, except such as he may contribute toward payment for his political party's or independent statement in the pamphlet herein provided for, in excess of fifteen (15) per cent of the annual salary of the office for which he is nominated; provided, that no candidate shall be restricted to less than two hundred dollars."

area of 96,000 square miles.¹² The voters may gaze upon his portrait; they may draw what conclusions they can from an election address which covers two, or at most three, pages of the publicity pamphlet. But, as a substitute for old-fashioned campaigning and the discussion of political issues as they take new form and significance, a single essay of one thousand words seems somewhat inadequate. Oregon's drastic solution of the campaign-fund problem over-emphasizes the value of the publicity pamphlet.

CAMPAIGN EXPENDITURES: STATE LEGISLATION

Statutory
regulation
of expendi-
tures

The practice of the several states, in dealing with this problem of campaign expenditures, shows a marked diversity. Some statutes are rudimentary, others comprehensive; some, relying upon public opinion as the most salutary corrective, merely provide for the publication of receipts and disbursements, while others impose restraints on each specific abuse. Legislation is, indeed, still in the experimental stage. It began with a New York statute of 1890. By the end of the century seventeen states had, in some fashion, regulated campaign expenditures. But the regulation was neither comprehensive nor drastic. It was not till 1906, after Perry Belmont had drawn attention to the subject in a magazine article¹³ and formed the New York Publicity Law Organization,¹⁴ that the movement attained formidable dimensions. Even then it proceeded slowly for some years. Latterly there has been a steady approximation to the standards of the British Corrupt and Illegal Practices Prevention Act of 1883, which requires a sworn statement of receipts and disbursements, limits the aggregate sum that may be spent, forbids expenditure for certain purposes, and enumerates the objects upon which money may lawfully be spent. American statutes of this type are known as corrupt practices acts. These must be distinguished from statutes that penalize offences against the election law such as illegal voting (personation, repeating), bribery (the purchase of votes, etc), undue influ-

¹² It should be observed, however, that the candidate has previously conducted a primary campaign in which he may have spent 15 per cent of his prospective salary. Similarly, in North Dakota, a candidate for nomination may spend 15 per cent or at least \$200.

¹³ "Publicity of Election Expenditures," *North American Review*, Vol. CLXXX (1905), pp. 166-185.

¹⁴ And, a few months later, the National Publicity Law Organization. See *Senate Documents* 89 (59th Congress, 1st session), 195 (59th Congress, 2nd session), and 495 (62nd Congress, 2nd session).

ence (coercion or threats to persuade or compel a person to vote or refrain from voting in a particular way), tampering with the ballots, and falsifying the returns.¹⁵ In the corrupt-practice acts, notwithstanding their diversity, certain tendencies may be discerned.¹⁶ An analysis and comparison would reveal the recurrence of a few characteristics which, in a given statute, may appear singly or in combination. Before examining these characteristics it may be well to emphasize, by concrete illustration, the varying scope of corrupt-practice legislation.

Illinois and Rhode Island ignore the subject. Other states (like Georgia, Idaho, South Carolina) give it scanty attention, while others again (like Massachusetts and New Jersey) cover the ground quite fully. North Carolina is one of the states that occupy an intermediate position. The law of that state (1) requires every candidate for nomination to file, ten days before the primary and twenty days after it, a sworn and "itemized statement of all expenditures made by him or which he knows to have been made by any one for him, and all contributions made to him, directly or indirectly." (2) The candidate for nomination shall not spend or permit to be spent in his behalf more than \$12,000 for the office of governor or United States senator; \$6,000 for the office of congressman; \$3,500 for the office of lieutenant-governor; half of the annual salary for any other state office; \$600 for legislative office; and for any other office half of the annual salary; but expenditures for transportation, board, and lodging need not be reported. In any second or "run-off" primary

North
Carolina
law

¹⁵ See, for example, the Minnesota election law of 1939, Part Nine being devoted to "penal provisions" and Part Ten to "corrupt practices." Similarly, the Utah law, Chapters Twelve and Thirteen; or the Wyoming law, Articles Nineteen and Twenty. In Oregon "offenses against the suffrage" are considered quite apart from the Corrupt Practices Act. The same tendency is shown in Eastern states. Thus: Pennsylvania (1937), Article XVI deals with primary and election expenses and Article XVIII with penalties; Massachusetts (1934), Chapter Fifty-five deals with corrupt practices and Chapter Fifty-six with violations of the election laws. Article XXXII of the New Jersey act of 1930 deals with "crimes and penalties" and Article XXXVIII with "campaign expenditures." So, in Part Five of the Michigan law (1925), entitled "Offenses and Penalties," there is a separate heading for the twenty sections devoted to campaign expenditures. In some states, however, the two types of legislation are not differentiated.

¹⁶ The corrupt practices acts apply only to the primary in the six states of Florida, Idaho, Mississippi, South Carolina, Vermont, and Washington. In six other states, though in varying degrees, they apply in important particulars to the primary alone: Alabama, Arizona, Colorado, Oklahoma, Texas, Virginia.

the candidate may spend 50 per cent of the above amounts. All campaign committees shall file similar reports. (3) Ten to fifteen days before an election and within twenty days after it all campaign committees shall file statements, but the law does not limit the amount that may be spent in the campaign for election. (4) It is unlawful for any person to make any contribution or expenditure in behalf of any candidate or campaign committee, "unless the same be reported immediately to such candidate or campaign committee, to the end that it may be included by him or it in the reports required by law." (5) It is unlawful for any person to give or promise official patronage in return for political support. (6) It is unlawful for any corporation doing business in the state directly or indirectly to make any contribution or expenditure for any political purpose whatsoever; and for any person to solicit or knowingly receive any such contribution or expenditure.

Wisconsin
law

The law of Wisconsin may be taken as an example of comprehensive and thoroughgoing regulation.¹⁷ Only its main features can be given here. (1) The law requires publicity. Every candidate, the secretary of every personal campaign committee, and the secretary of every party committee shall, at a fixed time before and after any primary or election, file a sworn and itemized statement of receipts and disbursements, this statement giving full details with respect to every sum of more than five dollars, express or implied obligations included; and every other person who, for political purposes, spends within one year an aggregate sum of more than fifty dollars shall also file a statement. No candidate shall make any disbursement except under his personal direction or through a party committee or through a personal campaign committee. The personal campaign committee may consist of one or more persons, appointed in writing by the candidate. The acts of every member "shall be presumed to be with the knowledge and approval of the candidate, until it has been clearly proved that the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, he could not have had knowledge of and opportunity to disapprove the same." (2) The law imposes a limitation upon the amount that may be spent by or in behalf of any candidate for nomination or election: United States senator, \$5,000; governor, \$4,000; congressman, \$1,750; minor state officers, \$1,500; state senator, \$400; state representative, \$150; county and other local officers, a sum equal to a third of the annual salary of the office. The candi-

¹⁷ Election Laws, Chapter 12, section 1-29.

date may in writing authorize a party committee or his personal campaign committee to spend any part of this sum. Only under such authority may the committees make any disbursements whatever. An exception is made in the case of the state central committee, which may spend an additional sum of \$10,000 in the general interests of all candidates. (3) The law defines the purposes for which expenditures may lawfully be made. In the case of a committee these are: maintenance of headquarters and rental of halls; stationery, postage, clerical assistance at headquarters; printing and distribution of campaign literature; advertising; salaries and expenses of speakers, travelling expenses of committee members. In the case of the candidate they are: personal hotel and travelling expenses; postage, telegraph, and telephone; payments made to the state pursuant to law; contributions to party and personal campaign committees. If the candidate appoints no campaign committee, he may perform the functions otherwise assigned to it. The law also provides that no payment of any kind shall be made for services to be performed on the day of the primary or election, "or for any loss of time or damage suffered by attendance at the polls . . . , or for the expense of transportation of any voter to or from the polls." (4) Among miscellaneous provisions occur the following: that campaign literature shall bear the name and address of the author and of the candidate; that a newspaper or other periodical, printing paid political matter, shall label it "paid advertisement" and either state the charge made for it or give the name of the candidate on whose behalf it has been inserted; that no newspaper or other periodical or anyone connected with it shall solicit or receive any compensation in return for political influence and that no person shall offer compensation therefor; and that no candidate shall directly or indirectly promote his interests by the offer of appointment to public or private office. Elsewhere in the election law all corporations doing business in the state are forbidden to contribute directly or indirectly, or to offer or agree to contribute any money, property, free service, or thing of value for any political purpose whatsoever.

The Wisconsin law combines the features that are most commonly found in corrupt-practice legislation. With few exceptions, the states require publicity, that is, the filing of a detailed statement of receipts and expenditures. This requirement usually applies not only to the election campaign, but also to the primary campaign; not only to the candidate, but also to his agent or personal committee and to the party committee. Thus the New York law defines a political

The chief legislative remedies: (1) publicity

committee as a combination of three or more persons coöperating to aid or defeat a party, a principle, a measure, or a candidate. The treasurer of such a committee shall, within twenty days after the primary or election, file a sworn statement, accounting specifically for every sum of five dollars or more; and candidates shall file similar statements. Of course, the purpose of these requirements could be defeated, the sources and size of the campaign fund disguised, if friends of the candidate, without his authority, made outlays on his behalf. It is difficult to prevent such evasions. Various remedies have been devised. In New York any person who, directly or indirectly, contributes any money or thing of value except to a candidate or committee, or disburses money except for personal expenses,¹⁸ must file a sworn statement; so too in Nebraska, whenever an aggregate sum of more than twenty dollars is involved. Failure to file a statement is punishable by fine or imprisonment; the filing of a false statement, by imprisonment, frequently without the alternative of a fine.

before or
after the
election

In most cases—speaking broadly, in two-thirds of the states that provide for publicity—campaign accounts must be filed within a certain number of days (in Iowa ten, in Oregon fifteen, in Virginia thirty, in Arkansas sixty days) *after* the primary or election. The voter, therefore, when he casts his ballot, does not know the facts; and yet the facts, if known beforehand, might affect his attitude towards a particular candidate or a particular party. In the presidential campaign of 1908 Mr. Bryan argued in favor of publishing the campaign accounts in advance of the election. In reply Mr. Taft said that, if such a course were followed, contributors would be unfairly criticized and their motives misrepresented. Postelection publicity would be sufficient, he added, to prevent the making of campaign contributions with the hope of some return in the shape of privileges and favors.¹⁹ As far as federal law is concerned, the controversy has been settled in favor of Mr. Bryan. It may perhaps be said that state legislation shows a similar tendency. The number of states requiring publication before as well as after the primary and election steadily increases.²⁰ The Nebraska law requires

¹⁸ Personal expenses include payments for travelling, preparing letters or other publications, stationery, postage, telegraph, telephone, and messenger service. New York election law, Sec. 322.

¹⁹ *Outlook*, October 10, 1908, p. 276; *Literary Digest*, same date, pp. 487-489.

²⁰ These states, now nineteen in number, are: Alabama, Arizona, Florida, Kentucky, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New

the treasurer of every committee to file a statement fifteen days before the primary or election and a supplementary statement on each succeeding day.

Thirty-seven states limit the amount of money that may be spent by or on behalf of a candidate.²¹ The amount is usually expressed in a fixed sum or in a percentage of the salary attached to the office; less frequently it is based upon the number of voters. There is a marked difference in standards. Thus in Kentucky candidates may spend the following sums in the primary campaign and similar sums in the election campaign: for governor, \$10,000; other state offices, \$5,000; county offices, \$1,000 to \$2,500; state senate, \$500; state assembly, \$350. But in Minnesota, which has an electorate of almost precisely the same size, a candidate may spend in both campaigns together only \$7,000 for the office of governor and \$3,500 for other state offices, \$600 for the state senate, and \$400 for the state assembly. Again, in Iowa the amount is fixed at 50 per cent of the annual salary of the office for either campaign; and in Michigan, with an electorate one-half again as large, at 25 or, as an alternative, \$20 for each 1,000 votes cast in the last election. In California, a still more populous state, the percentage varies from 5 to 25, according to the term of office.²² The Missouri maximum, which applies to nomination, or election, or both, rests upon the last presidential vote, allowing \$200 for the first 5,000 votes or less, four dollars for each additional hundred votes up to 25,000, two dollars for each additional hundred up to 50,000, and thereafter one dollar a hundred. On the basis of the presidential vote of 1936 a candidate for the office of governor could spend \$19,680 in his primary or election campaign and \$39,360 in both. This is five times the allowance made in Iowa and 10 per cent larger than the allowance made in Michigan on the basis of \$20 for each 1,000 votes. For the same office New Jersey fixes the maximum at \$50,000 for the pri-

Jersey, New Mexico, New York, North Carolina, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wisconsin. But in four of these states—Florida, Mississippi, South Carolina and Texas—the requirement applies only to the primary, except that in Texas a statement is filed after, but not before, the general election.

²¹ That is, all but the following eleven: Illinois and Rhode Island, which have no corrupt-practices acts; Colorado, Delaware, Georgia, Maine, Nebraska, Pennsylvania, South Carolina, Vermont, and Washington.

²² This applies only to the election campaign. There is no limitation to the amount of expenditure in the primary.

mary and the same amount for the election.²³ In West Virginia the allowance is based upon the county as a unit. For state offices and Congress the candidate may spend \$75 for each county in his primary campaign and a like amount in his election campaign; for the state legislature, \$125 for each county.²⁴ In most cases the personal expenses of the candidate are not included in the maximum; and these personal expenses—which in Nebraska cover payments for travel and subsistence, stationery and postage, letters and circulars (writing, printing, distributing), telegraph and telephone, newspaper advertising—may be stretched surprisingly far. The penalty for spending more than the amount fixed by law is either a fine, as in Kentucky, or the voiding of the candidate's nomination or election. According to the Nebraska law: "Any payment, contribution or expenditure, or agreement or offer to pay, contribute or expend any money or thing of value in excess of the limit prescribed in this article, for any or all such objects and purposes, is hereby declared to be unlawful and to make void the election of the person making it."

This re-
quirement
evaded

A quarter of the states—Pennsylvania among them—place no limitation upon the size of campaign funds. Their attitude does not, in most cases, imply any indifference to the evils of excessive expenditure. They prefer to use other methods—publicity and restraint upon the use of money for certain purposes. It is open to question, indeed, whether limitation by law, especially a drastic limitation that hampers legitimate campaign activities, can be really effective. Professional politicians, if they consider the law unreasonable, do not hesitate to evade it. The sworn statements, according to Frank R. Kent,²⁵ "never show the total receipts and expenditures." Under the

²³ The amounts allowed for other offices in New Jersey are: U. S. senator, \$50,000 in each campaign; congressman, \$7,500; state legislature, five cents for each voter; municipal office, ten cents; county office, half the annual salary; delegate to the national convention, \$10,000.

²⁴ In the case of county offices the allowance is \$200 for each campaign; in the case of any other office, \$50.

²⁵ *The Great Game of Politics*, p. 113. According to Warren B. Francis (Los Angeles Times, August 7, 1938), candidates for nomination to the United States Senate commonly render false statements. They "have taken advantage of every loophole in the statutes to give the impression that they are spending little money to win votes. . . . Some of the statements on file have been termed ridiculous by observers acquainted with the actual facts. Only a tiny minority are believed to approximate the truth regarding campaign outlays. Examination of the records of the investigational committee

Maryland election law (section 167) a candidate for nomination or election may, in addition to personal expenses, disburse no more than "ten dollars for each one thousand (or the major portion thereof) up to fifty thousand, and five dollars for each one thousand (or the major portion thereof) in excess of fifty thousand of the registered voters" at the last election. In the case of the governor's office the amount would not exceed \$3,500. Yet Kent declares that no governor in the first quarter of this century was nominated and elected for less than \$100,000 and that in most cases it cost a great deal more.²⁶ The candidate or his campaign manager—some states require and others permit the appointment of a manager who shall control all receipts and disbursements²⁷—may subscribe to his statement with a fairly clear conscience because the unlawful expenditures have been made without his knowledge.

Aside from such subterfuges, however, the very law that lays down the limitation may render it nugatory. The party committees, although they may stand aloof from the contest in the primaries, conduct the election campaign in the interest of all the party candidates; and, while the candidate for governor may be allowed to spend only a thousand or five thousand dollars, no restriction of any such kind may be imposed upon the state central committee, which is vitally concerned in his success. Thus the laws of Indiana and New Jersey expressly empower the party committees to raise campaign funds without limitation on their size.²⁸ Wisconsin, as already shown,

and futile,
if party
committee
not in-
cluded

disclosed that in most cases little or nothing has been spent to promote senatorial candidates so far."

²⁶ *Ibid.*, p. 115.

²⁷ In New Jersey every candidate who is permitted to expend \$500 or more must appoint a campaign manager; and all contributions must be paid to this manager unless the money is to be spent by a party committee in the election campaign. Candidates for nomination or election as governor, United States senator, or congressman are required to designate a bank or trust company as the depository of all funds and to deposit contributions within twenty-four hours of their receipt.

²⁸ It shall be lawful, after any primary election, says the New Jersey law, "for the state, county or municipal committee or organization of any political party or group of petitioners, to solicit and receive contributions in aid of any or all of the candidates duly nominated at any party primary or by petition." Except that contributions received on behalf of a particular candidate must be forwarded to his campaign manager, a committee shall have the power to expend contributions "in aid of the candidacy of all such candidates, or any one or more of such candidates, or for payment of any legitimate expenses of the committee."

has a different rule; the committees are limited in their expenditures; and several states which have framed their corrupt practice acts on the Wisconsin model have adopted this rule. Thus, Utah permits the state and county committees to spend a sum equal to twelve and a half cents for each vote cast in the last election of governor and in addition to spend only such sums as the candidates contribute out of the maximum allowed them under the law. In New Hampshire "no state committee of a political party shall receive or expend in any one year for purposes allowed by this chapter more than twenty-five thousand dollars"; in Nevada "no political party may in any one campaign expend a greater sum than \$15,000."²⁹

(2) prohibition of certain expenditures

Whether or not the campaign funds are limited in amount, the law always forbids the spending of money for certain specified purposes. These purposes vary in number and character from state to state. It is usually declared unlawful to hire vehicles for the purpose of taking voters to and from the polls,³⁰ to hire assistants on primary or election day except for service as challengers and watchers; to subscribe to religious, fraternal, or charitable organizations unless the candidate has been a subscriber for some time prior to the campaign; and, in the South, to pay the poll tax of another person. The possible scope of unlawful expenditures may be gathered from the provisions of the Utah corrupt practices law. In that state no person shall pay a newspaper or other periodical for the purpose of influencing its attitude towards a candidate or make any payment except for paid advertisements, which shall be so designated and for which compensation shall be according to the usual rates; and the newspaper shall not only label the advertisement as such, but also print the name of the person causing it to be inserted. No candidate shall make any bet or wager or become a party to any such bet or wager on the outcome of a primary or election. No payment shall

²⁹ Generally a sworn statement of expenditures is required not only from candidates, but also from party committees; often, from "political committees," such as would act in the interests of bodies like the Farm Bureau Federation or the National Association of Manufacturers; and in nine states, from all individuals who spend a minimum sum in the campaign. But in seven of the ten states of the Solid South (all but Alabama, Louisiana, and North Carolina) and in Idaho, Vermont, and Washington the requirement applies only to candidates in the primary; and in North Dakota only to candidates in both primary and election.

³⁰ Exception is made in the case of aged or infirm voters. Massachusetts permits one vehicle, New York three vehicles in cities and six elsewhere, for each polling place.

be made for any loss due to attendance at the polls.³¹ No person shall pay for any personal services performed on primary or election day except by challengers and watchers. No person shall convey or furnish any vehicle for conveying or bear any portion of the expense of conveying a voter to and from the polls; but the committees of two or more parties may coöperate in conveying sick, disabled, aged, and infirm voters. "No person shall, in order to promote his nomination or election, directly or indirectly, appoint or promise to appoint any person, or secure or promise to secure, or aid in securing the appointment, nomination or election of any person, to any public or private position or employment, or to any position of honor, trust or emolument." No person shall pay or reward another person for the purpose of inducing him to be or refrain from being a candidate. No candidate shall make, nor shall any person invite him to make, any payment to any religious, charitable, or other cause or organization during the period of his candidacy.

Besides outlawing certain activities by prohibiting expenditures upon them, the law frequently (that is, in more than half of the states) enumerates the purposes upon which money may lawfully be spent. This is done in states like West Virginia, which limit the size of campaign funds, and in states like Pennsylvania, which set no such limitation. It is done in California both for the election campaign, in which candidates may spend only a certain percentage of their prospective official salary, and for the primary campaign, in which candidates may spend as much as they wish. The Michigan law provides that "no candidate and no treasurer of any political committee shall pay, give or lend, or agree to pay, give or lend, either directly or indirectly, any money or other valuable thing for any nomination or election expenses whatever, except for the following purposes: first, for traveling expenses and personal expenses incident thereto, for printing, stationery, advertising, postage, expressage, freight, telegraph, telephone and public messenger services; second, for dissemination of printed information to the public; third, for political meetings, demonstrations, and conventions; fourth, for the rent, maintenance, and furnishing of offices; fifth, for the payment of clerks, typewriters, stenographers, janitors, and messengers actually employed; sixth, for the employment of challengers at primaries and elections, to the number allowed by law as such; seventh,

(3) enumeration of lawful expenditures

³¹ But "this shall not be construed to permit an employer to make any deduction from the usual salary or wages of any employee while in attendance at the polls for the purpose of voting."

for the payment of public speakers and musicians at public meetings, and their necessary traveling expenses; eighth, for copying and classifying of election registers or poll lists and investigating the right to vote of the persons listed or registered therein, and conducting proceedings to purge the registers and lists, and prevent improper or unlawful registration or voting; ninth, for making canvasses of voters; tenth, for conveying infirm or disabled voters to and from the polls; eleventh, for employing, as counsel, attorneys licensed to practice in accordance with the laws of the state, and for the necessary expenses of such counsel. None of the provisions of this chapter shall be construed as relating to the rendering of services by speakers, writers, publishers, or others, for which no compensation is asked or given."

(4) limitations as to contributions

The corrupt practices acts are mainly concerned with expenditures. Except for the requirement of publicity they have little to say about contributions. There is only one provision that occurs frequently enough to be termed characteristic: three-fourths of the states, taking example from the federal law of 1907, prohibit contributions by corporations.³² In a few cases the aggregate sum that any individual may contribute is limited. Massachusetts and Nebraska fix the amount at \$1,000; but, as Senator Lodge admitted in the course of a congressional debate, "There are all sorts of ways of evading these provisions of the law. . . . There are methods of giving a great deal more than a thousand dollars."³³ New Jersey permits no contribution whatever within five days of the primary or election.³⁴ In a third of the states the civil service laws prohibit the assessment or solicitation of public employees for political purposes. Nevertheless, such assessments are generally levied. "It is an interesting fact," says Kent,³⁵ "that even state and city officials protected by

³² This prohibition now forms a part of the federal Corrupt Practices Act of 1925.

³³ *Congressional Record*, May 21, 1924, p. 9291. According to Senator Robinson, the law is evaded "by the very simple process of dividing the contributions up so as to make them appear to be in conformity with the law when, in fact, they are in violation of the law."

³⁴ Nebraska permits no contribution of more than \$25 within two days of the election.

³⁵ *Op. cit.*, pp. 122-123. The job-holder gets a letter informing him that his party is engaged in an important campaign and needs money badly. "No intimation of how much is expected is given in this letter. Usually the job-holder knows this without being told, or if he does not he finds out, and in order that there shall be no misunderstanding he is verbally informed by his

the merit system against attack from the politicians contribute as regularly and liberally as those outside of the classified service. Apparently this is due partly to their genuine interest in the party and partly to a feeling that, even when wrapped in the civil-service cloak, it is better to have the machine friendly." The assessment averages 2 per cent of the salary, according to Kent, and yields annually something like \$250,000 in New York and \$150,000 in Chicago.

DEFECTS OF STATE LEGISLATION

The foregoing survey of state corrupt-practice acts, although somewhat cursory, opens the way for certain general observations. Such acts should rest on three main principles: first, limitation upon expenditures; second, concentration of responsibility for expenditures; and, third, reliance upon self-interest in the matter of enforcement. The first principle is the only one that is at all generally recognized in our legislation. Three-fourths of the states fix a maximum expenditure for candidates. While such a restriction can be held desirable on many grounds, such as the encouragement given to independent candidates and relatively poor men, the chief ground is that, when resources exceed actual legitimate needs, the surplus is often diverted into corrupt channels. But the maximum can be justified only if it is a reasonable one, approximating the legitimate needs of a campaign; and in our statutes a most amazing variation of standards is encountered. The limitation may be in one state drastic and in another lenient to the point of obvious absurdity; or, though reasonable in amount, it may be quite meaningless because of the exceptions that are attached to it. We find ourselves in a region of unutterable disorder; for, while the principle of a maximum has been accepted, its application has been arbitrary and haphazard; and the effect of limitation has been neutralized, except in a very few states, by the fact that party committees may spend any amount whatever in behalf of party candidates. Finally, far too little has been done in the way of prohibiting expenditures that are harmful or unnecessary and of defining with precision the purposes for which money may lawfully be spent.

Limitation
of expendi-
tures

The second principle is concentration of responsibility. British experience illuminates our own. How does the Corrupt and Illegal precinct or ward executive. There are exceedingly few job-holders who fail to respond."

Concentra-
tion of re-
sponsibility

Practices Prevention Act of 1883 establish such a concentration? The candidate is required to appoint a plenipotentiary, an agent. "The election agent," said Mr. Justice Field in the Barrow petition of 1886, "is the person who shall be effectively responsible for all acts done in procuring the election. . . . He is to hire everybody; no man is to be paid money that does not pass through his hands. . . . He is a known and responsible man who can be looked to afterwards for an explanation of his conduct in the management of the election." It is the election agent who makes all arrangements, assumes all obligations, pays all bills, and who, five weeks after the election, submits the required statement of expenditures. No other person, says an act of 1918, may incur any expenses for the purpose of promoting or procuring the election of a candidate unless authorized in writing by the agent to do so. Thus the Tariff Reform Union or the Anti-Vivisection Society may not spend money in behalf of a candidate without securing such authority, and the candidate may not profit from such support without including the money so spent in his election statement. The local party organization is similarly affected. Commentators on the law, it is interesting to observe, advise the organization to dissolve formally for the period of the campaign.

Why so
often neg-
lected

This principle of concentration, which is a vital part of any scheme of restraint upon campaign expenditures, has been almost universally neglected in the United States. It has been neglected partly because of failure to realize its importance and partly because of the difficulty of adjusting it to American conditions. The difficulty is patent. Since we elect at one time a host of national, state, and local officers, and elect them usually as Republicans or Democrats, the county campaign forms part of the state campaign, the state campaign part of the national campaign. In any given district, all the candidates on the Republican ticket are united in a common enterprise. The various Republican committees are spending money in the interest of the whole ticket. If they buy votes, everybody profits. Where is the magic formula that will concentrate responsibility? The problem would be simplified if national elections were separated from state elections—and with a four-year term for representative and an eight-year term for senator the separation might be made complete. The problem would be simplified still more if state elections were separated from local elections and our state governments reconstituted upon the Canadian model, with a responsible executive and a single chamber. Simplification of the election proc-

ess! The short ballot! Here we have the key to many desirable forms of responsibility besides the one being considered now. But it was not a politician who called responsibility the finest word in the English language. This simplification is a vague and distant prospect, if not a chimera.

Nevertheless, taking things as they are, some little advance can be made. Consider the Wisconsin law. This follows British precedent in requiring the candidate, unless he himself assumes direct responsibility, to have a personal campaign committee, of one or more persons, which shall control his limited campaign fund in the manner of the election agent and which shall generally be presumed to act with his knowledge and approval. But what of the party organ, the state or county committee, which is working and spending money for his election? The funds at the disposal of any committee are contributed solely by the candidates and charged against the maximum expenditure that the law allows them. A single exception is made in the case of the state committee; it may make further disbursements aggregating \$10,000.³⁶

Wisconsin has made an advance, but apparently not a sufficient advance. It holds the candidate responsible for the acts of his personal campaign committee, but not for the acts of the party committee, which he has subsidized. Turn for a moment to the practice in Great Britain. There the special doctrine of election agency differs from the ordinary legal doctrine of agency. It is designed to reach instances where a candidate seeks to profit by the misconduct of others, while denying that he is responsible for their acts or capable of controlling them. The substance of the doctrine, according to an opinion in the Great Yarmouth case, is that, "if a man is employed at the election to get you votes, or if, though neither authorized nor employed, he does to your knowledge get you votes, and you accept what he has done and adopt it, then he becomes a person for whose acts you are responsible." According to this doctrine, the local organization becomes an agent of the candidate if it supports him in the campaign and if he accepts its support. Why should the candidate in Wisconsin escape a like responsibility? He has made a contribution to the party committee—perhaps amounting to the whole of his maximum allowance for the campaign. His

Wisconsin
law

Its weak-
ness

³⁶ The provisions of the Minnesota law of 1939 are almost identical. In Utah the state and county committees may each make further disbursements not to exceed a sum equal to twelve and a half cents for every vote cast for governor, in the area of its jurisdiction, at the last election.

political fortunes depend largely upon the efforts of this committee. It seems to follow that violations of the law should be brought home to him. Without such a rule there can be no effective concentration of responsibility.

especially
as to the
law of
agency

A still more serious lacuna was revealed by court proceedings in 1930. To the layman the law of Wisconsin seems adequate. It provides that "the total of all disbursements by himself [the candidate], by his personal campaign committee in his behalf, by all party committees in his behalf, *or otherwise made in his behalf*" shall not exceed the specified amounts. The italicized words³⁷ would seem to have the force of the British law of 1918, as mentioned above. But the Wisconsin court held in 1930 that "the candidate is not chargeable with nor required to report disbursements for political purposes made by others unless they are authorized by him" and that "individuals and groups may voluntarily upon their own initiative make disbursements for political purposes."³⁸ According to the Chief Justice, the phrase "in his behalf" means by someone who acts for him as an agent acts for and on behalf of his principal.³⁹ The court ruled out evidence bearing upon expenditures not directly authorized by the candidate.⁴⁰ It thus appears that, with sufficient ingenuity, expenditures can be increased to almost any figure. The Wisconsin doctrine of agency, as interpreted by the courts, becomes something quite different from the British doctrine of agency.

Enforce-
ment of
the law

The third principle concerns enforcement. It relies upon the motive of self-interest. Now, according to the principles already examined, a candidate is strictly limited both in the nature and in the amount of his expenditures, and, being responsible for the acts of his agents, becomes involved in corrupt practices that are committed in furtherance of his election. But how is his guilt to be established? The district attorney may be reluctant to prosecute, either because the culprit belongs to his party or because the parties have a vague sort of gentlemen's agreement to ignore the law and proceed according to the familiar, customary rules of the game. He concludes, therefore, that the evidence will not justify his going before the grand jury; or he presents the evidence in such a fashion that the grand jury will not act upon it. His derelictions, disguised as they are, do not greatly agitate a tolerant public. Indeed, a jail sentence

³⁷ My italics.

³⁸ Louise Overacker, *Money in Elections* (1932), p. 334.

³⁹ *Ibid.*, p. 344.

⁴⁰ *Ibid.*, p. 345.

may seem cruel and unusual punishment—it certainly is unusual—for misguided generosity in the campaign.

If the law is to be effective, two conditions are necessary. First, Necessary
conditions the penalty for the successful candidate, when he or his agents have committed wrongful acts, must be removal from office. Then the fear of having his election set aside will restrain a candidate from taking serious risks or allowing his agents to do so; and his opponent will be constantly on the alert to catch him in some violation of the law. Here is the motive of self-interest. Its force and sufficiency will depend upon the second condition. The law must make it easy for any voter—in practice, the defeated candidate—to attack the validity of the election in the courts. In this matter the Wisconsin corrupt-practice act introduced certain novel features. The details need not be given here. The significant feature of the Wisconsin law is this: the petitioner may apply to the county judge of the county in which the alleged violation of law occurred or the state attorney-general or the governor—to each in turn if he meets with a rebuff—for leave to bring a special proceeding and for the appointment of special counsel; and no judgment for costs shall be awarded against him unless he is shown to have instituted the proceeding otherwise than in good faith. He is not only reasonably secured against political obstruction, but also free from the embarrassment of the heavy costs which discourage the bringing of petitions under the British act. From the theoretical standpoint, at least, these arrangements seem entirely adequate. The one man who has a personal incentive to enforce the law is provided with means of action.

The effectiveness of the law was tested after the primary of 1928. Failure in
Wisconsin It was charged that W. J. Kohler, Republican nominee for the office of governor, had benefited by excessive disbursements made “in his behalf.” But the machinery by which any voter might originate a special proceeding to investigate and determine whether or not there had been a violation of the corrupt-practice act broke down. Governor Zimmerman refused to act. The attorney-general gave an opinion that neither he nor the county courts could commence a proceeding in advance of the general election. He recommended application to the district attorney of Dane county. The latter took some testimony, examining witnesses in private, and transmitted the record to the attorney general. Nothing further took place until Kohler had been elected governor and inaugurated. Then a *quo warranto* action to bring about his removal failed.⁴¹ What

⁴¹ *Ibid.*, pp. 356-362.

shall be said by way of commentary? An old lesson has been taught over again. Standards of conduct, resting on the habitual behavior of a community, defy legislative efforts to change them. Law can substitute new and higher standards only when a large proportion of the people have already adopted them and are eager to give the law active and continuous support, not mere passive acquiescence.

FEDERAL LEGISLATION

The first federal statute that restricted campaign contributions did so incidentally. The Pendleton Act of 1883, as a part of its scheme of civil-service reform, protected officers and employees from being solicited for contributions by fellow officers or employees anywhere and by any other persons on federal premises. The Hatch Act (1939) extended this protection to relief workers, who cannot now be assessed or coerced by any one "for any political purpose whatever."⁴² In 1907 Congress dealt directly with a manifest abuse in the collections of campaign funds. "It is unlawful," says the statute (now section 313 of the Federal Corrupt Practices Act), "for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political office, or for any corporation whatever to make a contribution in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive" such a contribution.

Federal
acts of 1910
and 1911

In 1910 and 1911 Congress passed two highly important corrupt-practice acts, the second taking the form of an amendment to the first. The act of 1910 required publicity for election-campaign receipts and expenditures. Any political committee, seeking in two or more states to influence an election at which congressional representatives were chosen, must, through its treasurer, file a sworn

⁴² Both acts restricted the political activity of civil servants. In the case of the Pendleton Act, as applied by presidential rules, the restriction against taking an active part in political management and political campaigns was confined to employees in the "competitive classified service." The Hatch Act extended it to all officers and employees in the executive branch of the federal government except for certain officers who have policy-determining functions. This subject is discussed in detail by L. V. Howard, "Federal Restrictions on the Political Activity of Government Employees," *American Political Science Review*, Vol. XXXV (1941), pp. 470-489.

statement with the clerk of the House of Representatives within thirty days after an election. This statement must show the total of all receipts, the names and addresses of all persons contributing one hundred dollars or more, the total of all disbursements, the names and addresses of all persons to whom any sum of more than ten dollars had been paid, and the purpose of such payment. Expenditures for travelling, stationery, postage, telephone, and telegraph did not come within these provisions of the act.⁴³ The changes introduced by the act of 1911 may be summarized as follows: (1) *Publicity before election*. The treasurer of a political committee must file a statement not only within thirty days after the election, but also ten to fifteen days before the election, and a supplementary statement on each sixth day thereafter until the election. (2) *Candidates for House and Senate* also must file statements before and after the election. In the case of a candidate for senator the date of the election was the date of the first vote cast by the legislature for the choice of the senator.⁴⁴ (3) *Primaries*. Candidates must file statements ten to fifteen days after any primary or convention at which a candidate for representative was nominated or a candidate for senator endorsed. (4) *Maximum expenditures*. No candidate for representative or senator might spend in the furtherance of his nomination and election more than the state law allowed or, in any case, more than \$5,000 and \$10,000 respectively; but personal expenses—for travel, stationery, postage, telegraph, telephone, and the preparation and distribution of letters, circulars, and posters—should not be considered a part of the sum and need not be included in the statement.

No feature of the act of 1911 aroused more controversy, during its passage through Congress, than the regulation of expenditures in primary campaigns. Is a primary an election within the meaning of the Constitution? Under Article I, Section 4, Congress has full power to regulate elections at which senators and representatives are chosen.

Unconstitutional as to senatorial primaries: the Newberry case

⁴³ Two years earlier Representative Samuel McCall had introduced a bill of similar import, which did, however, require publicity before as well as after the election. In order to secure its defeat in the Senate the Republicans introduced amendments. These so-called "Crumpacker amendments" made certain acts (such as bribery and intimidation) punishable as federal offences and provided that the director of the census should furnish data for the enforcement of Sec. 2 of the Fourteenth Amendment, that is, for reducing Southern representation. See *Independent*, May 28, 1908, p. 1206; and *Outlook*, May 30, p. 225. The bill passed the House, but failed in the Senate.

⁴⁴ The Seventeenth Amendment, providing for the direct election of senators, did not become a part of the Constitution till 1913.

That power has been exercised repeatedly by Congress and sustained by the Supreme Court.⁴⁵ But in 1911 senators and representatives from the South, where the Democratic primaries predetermine the results of the election, denied the existence of any federal authority to regulate primaries.⁴⁶ The constitutional question thus raised in congressional debates came before the Supreme Court in the famous *Newberry* case in 1921. Truman H. Newberry was elected senator from Michigan in 1918. He and more than a hundred associates or agents were convicted in the federal district court and variously sentenced to fine and imprisonment for conspiring to violate the federal corrupt practices acts. It was shown at the trial that disbursements of at least \$195,000 had been made in Newberry's primary campaign, although the Michigan law (applicable under the federal statute) allowed a maximum of only \$1,875, that is, 25 per cent of the senatorial salary. Upon appeal, however, the Supreme Court unanimously reversed the conviction.⁴⁷

Opinions
of the nine
justices in
that case

The nine justices agreed in the decision, but not in the arguments by which they reached it. (1) Justice McReynolds (Justices Day, Holmes, and Van Devanter concurring) held that a primary is not an election within the meaning of Article I, Section 4, of the Constitution, and that therefore the corrupt practices act of 1911 was unconstitutional so far as it affected primaries. (2) Justice McKenna held that the regulation of senatorial primaries exceeded the power of Congress as it stood in 1911, but reserved the question as to

⁴⁵ In such cases as *ex parte Siebold* (100 U.S. 371, 1880) and *U.S. v. Mosley* (238 U.S. 383, 1915). The court even held in *ex parte Yarbrough* (110 U.S. 651, 1884) that Congress can regulate elections at which national officers are chosen quite independently of any express grant of power in the Constitution. See also *Burroughs v. U.S.* (290 U.S. 534, 1934).

⁴⁶ *Congressional Record*, June 20, 1911, pp. 2310-2319; August 17, pp. 4084-4102; and the speeches of Hardy, Sisson, and Stephens in the Appendix of the latter issue, pp. 62, 74, and 82.

⁴⁷ *Newberry v. U.S.*, 256 U.S. 232 (1921). The Senate seated Newberry in January, 1922, by a vote of 46 to 41, but included in its resolution this paragraph: "That whether the amount expended in the primary was \$195,000, as was fully reported or openly acknowledged, or whether there were some few thousand dollars in excess, the amount expended was in either case too large, much larger than ought to have been expended." In November, 1922, Newberry resigned. But the amount spent on behalf of Newberry seems small indeed when compared with the colossal expenditures revealed in the summer of 1926 by an investigation of the senatorial primaries in Pennsylvania and Illinois. Approximately \$2,250,000 was spent on behalf of three candidates for the Republican senatorial nomination in Pennsylvania.

whether it would have been constitutional if enacted after the ratification of the Seventeenth Amendment. (3) Chief Justice White (Justices Brandeis, Clark, and Pitney concurring) held that the conviction should be set aside on the ground of prejudicial error in the trial judge's charge to the jury, but vindicated the authority of Congress to regulate primaries. Thus three different positions were taken: according to four justices, Congress had no power to regulate senatorial primaries before the Seventeenth Amendment and acquired none by its adoption; according to one justice, Congress had no such power before the amendment, but might possibly have acquired it through the adoption of the amendment; and, according to four justices, Congress always had such power. A bare majority of the court held certain provisions of the Corrupt Practices Act of 1911 unconstitutional. But it was a minority of the court that denied altogether the propriety of regarding nomination as a part of the process of election. The scope of congressional authority still remained uncertain. Nevertheless, in the absence of any law regulating expenditures in the primary, the Senate had means of action. As judge of the qualifications and election of its members, it could apply its own standards and refuse to recognize a lawful election. This it did by refusing to seat Smith of Illinois (1928) and Vare of Pennsylvania (1929), solely on the ground of lavish, though legal, expenditures in the primary.

Meanwhile, the legislation of 1910 and 1911 has been repealed and then reenacted in a somewhat different form and without any reference to primaries. The Corrupt Practices Act of 1925 applies exclusively to elections. The definition of a political committee has been changed. It now refers to a group which accepts contributions or makes expenditures for the purpose of influencing the election of candidates for presidential and vice-presidential electors in two or more states. It has been extended so as to include any branch or subsidiary of a national organization, even though its activities may be confined to a single state. This brings within the purview of the act, for example, the various state branches of the Anti-Saloon League. The treasurer of such a committee shall file statements with the clerk of the House in March, June, September, twice before any general election, and also on the first day of January, when the statement shall cover the whole preceding year.⁴⁸ The

The Cor-
rupt Prac-
tices Act
of 1925

⁴⁸ Each statement shall give the name and address of any person contributing as much as \$100 within the calendar year, together with the amount and date of the contribution; the total of all smaller contributions; the total of

same rule must be followed by any person who spends fifty dollars or more (aside from contributions to a political committee) for the purpose of influencing an election in two or more states. Candidates for election to the House or Senate must file statements before and after the election. The maximum expenditures of such candidates shall not exceed the sums fixed by state law or in any event exceed either (1) \$10,000 for a seat in the Senate or \$2,500 for a seat in the House or (2) "an amount equal to the amount obtained by multiplying three cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks," provided that such an amount shall in no case exceed \$25,000 for the Senate or \$5,000 for the House. As a matter of fact this maximum allowance may be greatly exceeded without violation of the act; for the candidate is permitted to spend an unlimited amount "for his necessary personal, travelling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, and posters, or for telegraph or telephone service." The whole outlay of an active campaign might be listed under such exemptions. Every candidate for Senate or House must file, before and after the elections, a sworn and itemized statement of contributions and expenditures. The statement shall also include every promise or pledge made by him or by any person with his consent relative to the appointment or recommendation for appointment of any person to any position or employment for the purpose of procuring that person's support.

Hatch
Act,
1940

In July, 1940, by amendments to the Hatch Act of the previous year, Congress sought to reduce the size of campaign funds and of individual gifts. The amendments provide that during any calendar year (1) no political committee (as defined by the act of 1925) shall receive contributions aggregating more than \$3,000,000 or make expenditures above that amount; and (2) no individual shall give to a committee sums aggregating more than \$5,000. The language, however, lacks precision. Does the three-million-dollar limitation apply collectively to all committees supporting the same candidates or separately to each. The committees themselves have interpreted it in the latter sense. The limitation upon individuals does not apply in the

all contributions; the name and address of any person to whom an expenditure of at least \$10 has been made within the calendar year, together with the amount, date, and purpose of the expenditure; the total of all other expenditures; and the total of all expenditures.

case of gifts to state or local committees; moreover, it can be evaded by having various members of the same family contribute the legal maximum.⁴⁹ Indeed, the Hatch Act has not achieved its purpose of reducing expenditures. Enormous sums were spent in the campaign of 1940. The limitation, according to a report to the Senate,⁵⁰ "served to direct the flow of campaign funds in excess of that amount into channels other than those of the traditional party committees, i.e.— (a) independent political committees, each of which believed itself legally entitled to spend up to the \$3,000,000 limitation; and (b) state and local committees ostensibly supporting state candidates but actually working for the national ticket as well."

For twenty years after the Newberry decision it seemed at least doubtful that Congress had power to regulate primaries at which candidates for federal office were nominated. This constitutional issue did not come again before the Supreme Court till 1941. Then, in the case of *U.S. v. Classic*⁵¹ the Court unanimously vindicated the power of Congress. In the words of Justice (now Chief Justice) Stone, "the practical influence of the choice of candidates at the primary may be so great as to affect profoundly the choice at the general election even though there is no effective legal prohibition upon the rejection at the election of the choice made at the primary and may thus operate to deprive the voter of his constitutional right of choice. . . . Unless the constitutional protection of the integrity of 'elections' extends to primary elections, Congress is left powerless to effect the constitutional purpose, and the popular choice is stripped of constitutional protection. . . ." A dissenting opinion, rendered by three of the seven justices, was based solely upon their interpretation of the Criminal Code. It fully endorsed the power of Congress to control primary elections.

Regulation
of Pri-
maries

⁴⁹ See *Report of Maurice M. Milligan*, special assistant to the attorney general, February, 1941. This valuable document discusses various features of the Hatch Act and recommends changes.

⁵⁰ *Senate Report No. 47* (1941), p. 13.

⁵¹ 61 Sup. Ct. 1031. After the Louisiana primary of September, 1940, five officials had been indicted on a charge of altering ballots and certifying false returns in violation of a law of 1870 now forming sections 19 and 20 of the Criminal Code.

Chapter XXV

THE OVERBURDENED VOTER

Government by consent

It is an axiom of democracy that government should be conducted in conformity with public opinion. In using the term "public opinion" we usually mean, not a unanimous conclusion which people reach through a process of conscious reasoning from the facts, but their desire or will.¹ It is the majority that delivers the verdict. The majority may not be intelligent or wise; mere numbers do not imply sound information or shrewd judgment. Yet, according to democratic principles, the minority must give way or at least express its displeasure in nothing more forcible than protest and argument.

Popular will expressed through the ballot

The popular will manifests itself in a variety of ways: through the press, the pulpit, the platform; through organized groups like the Congress of Industrial Organizations, the American Bankers' Association, the W.C.T.U., or the American Farm Bureau Federation. Under any form of government such agencies may exert great influence. Even the autocrat is sensitive to the opinion of his subjects; he courts their approbation. Far more anxiously does the governor of a state or the representative in Congress watch the evidences of the trend of popular opinion, because they help him to foretell how the ballots will be cast on election day. Under the democratic régime public opinion, or the popular will, is formally expressed and measured in periodic elections. The people assert their control through the ballot. In our community or in any other democratic community it is a matter of vital concern that the process of election should be so devised as to facilitate that control.

The American ballot too complex

What have we done in the United States to make the ballot effective? "Nowhere has the 'sovereign voter' received more adulation than in the United States," says Dr. Charles A. Beard,² "and nowhere has the power of sovereignty been more frittered away in futile agitations and the collateral incidents of practical politics. We have rightly felt that there was something gratifying and inspiring in

¹ See Chapter V.

² *American Government and Politics* (4 ed., 1924), pp. 517-518. In later editions the language is somewhat different (e.g., ed. of 1935, pp. 533-534).

the spectacle of the common people rising to the height of self-government; and we have paid wordy tribute to the power of the ballot; but we have made little effort to ascertain what the ballot can really do. We have apparently assumed that it can do everything, from deciding who among ten thousand should be clerk of a municipal court to prescribing what should be done with the surface dirt removed from a street by a public contractor. For more than a century we have been adding burdens to the ballot, until the outcome of the tendency is the paralysis of the very control which popular election is supposed to afford." Many other competent observers have expressed themselves in a similar sense.³

What are the burdens that have been thrust upon the voter and that have paralyzed his control over government? We are concerned now with elections; but the preliminary activities of the voter cannot be ignored entirely. His task only culminates in the election. Beforehand he must register and, if he takes a serious view of his civic duties, participate in the primary. Registration, nomination, and election are all elements in a single process. Within the space of a year the Chicago voter was expected, until recently, to register twice and go to the polls five times; he had to pass judgment on the candidates for some fifty different offices. In some counties of Illinois no less than seventy offices are filled at one election. In the general election of an off-year the Texas ballot bears the titles of forty-odd offices, including those of public weigher and of hide and animal inspector. The number varies from state to state, twenty or thirty not being at all uncommon. The primary ballot is still longer,⁴ because at the primary the voters not only nominate candidates for public office but also elect party committeemen. In the New York primary of March 26, 1912, a Democratic ballot was fourteen feet

The
voter's
task too
heavy

³ For example, Albert M. Kales, *Unpopular Government in the United States* (1914); Richard S. Childs, *Short Ballot Principles* (1911); Elihu Root, *Addresses on Government and Citizenship* (1916); and Nicholas Murray Butler, "The Discontent with Democracy," *Senate Document 55* (68th Congress, 1924). "The simple fact is," says President Butler, "that we Americans have created so much electoral and governmental machinery that we cannot get any effective governmental product. . . . It is axiomatic that the more frequent the elections and the more numerous the elective officers, the more difficult it is to give quick and effective expression to the people's will through the instruments of government. It is a fallacy to suppose that it is democratic to elect a large number of public officers; it is simply a public nuisance."

⁴ In Los Angeles there were 1733 candidates for nomination in 1934; 1451 in 1936. Voting machines could not accommodate such numbers.

long.⁵ To vote a split ticket involved placing a mark before each of 590 names within a time limit of three minutes.

Illustrations from various states

Besides the multiplicity of elective offices the ballot often bears another burden. Legislative measures and constitutional amendments are submitted to the electorate by initiative and referendum. Thus, at a general election in Colorado sixteen measures, on the average, are submitted to the voters, who choose some thirty public officers at the same time. A ballot listing fifty-two offices and eighteen measures faced the voters of Portland, Oregon, in 1920. No less than forty-eight measures appeared upon the San Francisco ballot. A newspaper of that city declared that not ten thousand of the 210,000 voters would be qualified to vote intelligently on election day.⁶ "In fact, how can the voter inform himself? In respect to the proposed State laws there has been prepared a document of sixty-three pages of fine print containing the text of the proposed law, the text of the law as it now exists for purposes of comparison, and brief arguments for and against the proposed law. Each voter will get a copy of this document a few days before the election, but if he had six months and nothing else to do he could not form any sound judgment upon the merits or demerits of the whole list. As to the twenty-eight city ordinances and charter amendments the voter is vouchsafed no information whatever. He cannot in a single instance give an intelligent guess as to the change in existing law proposed to be made. He is not told whether the proposition is submitted by the supervisors or by initiative petition or referendum." In 1926 the Los Angeles ballot listed forty-five offices and fifty-eight measures.

English practice different

Overemphasis upon the principle of election is peculiar to the United States. Elsewhere the doctrine prevails that popular control can best be secured by electing very few public officers and by concentrating power and responsibility in their hands. Thus, English voters choose, always at separate times, a member of the House of Commons, a county or borough councillor, a rural district or urban district councillor, two borough auditors, and, in parishes with a population of more than 300, parish councillors. Formerly they chose guardians of the poor also; but those officers were abolished in 1929 so as to simplify local administrative machinery and still further reduce the number of local elections. The English ballot is not larger than an ordinary post-card; and the voter's task consists in placing a mark after the name of one of the two or three candidates

⁵ *Short Ballot Bulletin*, April, 1924, p. 1.

⁶ *Chronicle*, October 6, 1920. There were 30 measures in 1938; 25 in 1940.

for a single office. He knows what he is doing, because the campaign has brought the personalities and policies of the candidates for that single office into bold relief. If things go wrong, he can hold the councillor or the local member of the House of Commons responsible.

American doctrine, on the other hand, requires that power and responsibility be dispersed. This doctrine is not a corollary of the federal plan of government; it does not appear in Canada or Australia. Nor can it be attributed chiefly to the separation of the executive and legislative departments, which this country has perpetuated from the eighteenth century. After all, the people can hold the President responsible for the conduct of the national administration; for he appoints and removes his subordinates. Likewise, the governor of New Jersey, appointing all state and many county officers, can be held to account. But the common practice of the states, since the time of Andrew Jackson, has been to substitute election for appointment in the case of executive, administrative, and judicial officers. A century ago, after the introduction of manhood suffrage, the enfranchised masses were bent upon making their control of the government effective. They, or the politicians who regimented them and set them in motion, felt it essential to purify the government services, to drive out the old governing class—the men who secretly or openly resisted democratic pressure—and to keep them out. Elective offices and short terms supplied the means.

Multiplication of elective offices in the United States

No doubt these features of Jacksonian democracy served their special purpose at the time. As temporary expedients, emergency measures, they might be justified. But, in view of their ultimate effect in impairing that popular control which they were designed to secure, no respectable excuse can be found for their perpetuation. Apologists find none. They conjure up visions of tyranny, as a warning against the concentration of power, and take refuge in vague appeals to the patriotic emotions. Thus, in the course of a speech in which he described the federal government as an "imperial despotism" and advocated the election of postmasters, marshals, district attorneys, and collectors of internal revenue, Congressman Moon of Tennessee said: "Why should the inferior judges of the United States be given a life tenure? Whenever you vest in a man judicial power, arbitrary and discretionary, as is vested in a federal judge, he ought to be subject to removal at the close of his term. Nearly all of your states elect the judiciary, and it challenges com-

Its justification impossible

¹ *Congressional Record*, January 15, 1914, pp. 1726-1730.

parison most splendidly with the federal judiciary. The state judiciary comes from the people, known of the people, by the people, and has some sympathy with the masses. That is untrue in the federal jurisdiction. . . . The ballot box and the abandonment of the governmental clerical life is our only safe remedy. This government, if it shall ever advance to the position that our forefathers destined it to hold, must be brought down to the control of the people. We must revere the institutions of the Republic, have the same pride in its history and in its traditions that we have in the commonwealth in which we live. The American citizen must live with the flag above him and the Constitution pressed to his heart, ever providing in love and devotion for the defence of the honor and glory of the greatest people known to the annals of time." ⁸ It is with language of this sort that the American people, so shrewd in business and yet so fond of panaceas in politics, are drugged into acquiescence. Business, touching each man intimately, has to pass the test of concrete results. Politics is at best a remote concern, almost an abstraction; ⁹ and the citizen, attracted by the sound prin-

⁸ A family resemblance will be discovered in these remarks delivered before the Kentucky constitutional convention in 1890: "Now, I find a strong feeling in this convention to give the governor of this commonwealth vast and almost unlimited power, to make him a sort of autocrat here for four years. Some delegates are urging that he must appoint judges of the courts, that he should appoint all the state officers of this capital. If that is right, why not take another step down? Let him appoint our county court judges, let him appoint our county court and circuit court clerks, let him appoint our magistrates; yes, let him become the mighty ruler in this great commonwealth, clothed with that power which alone belongs to the people, and which every lover of liberty in America should cherish. Yes, give him one power, and soon he will step forward and ask for an increase of that power. I love our form of government. I love it for its glory, its beauty, and its grandeur. I love it for what it has accomplished; but while I love it, I loathe in the deepest recesses of my heart any effort whatever that will go in the direction of taking from the people of Kentucky the right to choose their officers. I hold the taking of such a right from them is an innovation of the right which every man in this broad land should cherish. Let us, gentlemen of the convention, maintain our rights. Let us stand up boldly and let no man rob us of a single right."

⁹ "Yet these public affairs are in no convincing way his affairs," says Walter Lippmann (*The Phantom Public*, 1925, p. 13). "They are for the most part invisible. They are managed, if they are managed at all, at distant centers, from behind the scenes, by unnamed powers. As a private person he does not know for certain what is going on, or who is doing it, or where he is being carried. No newspaper reports his environment so that he can grasp it; no

ciple of popular control through election, does not readily perceive the fatal effects of exaggerating the principle.

And yet his experience on election day brings him face to face with the realities of his futile situation. Without actually having the printed ballot in his hands, he cannot enumerate the twenty or forty offices which are to be filled, let alone name the candidates who are running for those offices.¹⁰ If he cannot name the candidates, still less can he express any opinion as to their fitness. Speaking of his experience in the small borough of Princeton, Woodrow Wilson said in 1909: ¹¹ "I vote a ticket of some thirty names, I suppose. I never counted them, but there must be quite that number. Now I am a slightly busy person, and I have never known anything about half the men I was voting for on the ticket that I voted. I attend diligently, so far as I have light, to my political duties in the borough of Princeton—and yet I have no personal knowledge of one half of the persons I am voting for. I couldn't tell you even what business they are engaged in—and to say in such circumstances that I am taking part in the government of the borough of Princeton is an absurdity. I am not taking part in it at all. I am going through the motions that I am expected to go through by the persons who think that attending primaries and voting at the polls is performing your whole political duty." The voter may express an intelligent choice for President and governor, congressman and mayor, perhaps; but for the most part, knowing little about the offices and less about the candidates, he must accept the party slate, itself the haphazard product of the direct primary, or expose himself to the most absurd mistakes. In Cleveland a blacksmith led the vote as candidate for chief justice of the Ohio supreme court simply because his name resembled that of a well-known probate judge; and two candidates were actually elected to the municipal court because of similar con-

Its practical effect

school has taught him how to imagine it; his ideals often do not fit with it; listening to speeches, uttering opinions and voting do not, he finds, enable him to govern it. He lives in a world which he cannot see, does not understand and is unable to direct."

¹⁰ Years ago, at a dinner in New York, the writer was seated between the Democratic president of the board of aldermen and a prominent Republican—a former judge and a future candidate for governor. The question arose as to what judicial offices were to be filled at the general election two or three days later. Though active in the campaign, they confessed their uncertainty. In 1937 a postelection poll showed that 58 per cent of New York City voters could not name one candidate for the council. *New York Times*, December 5.

¹¹ Quoted in Beard, *op. cit.*, p. 521

fusion of names.¹² The voters of Winthrop, Massachusetts, once elected an imaginary candidate.¹³ In Philadelphia a certain Clarence Boyd, a purely fictitious character, was elected as inspector of elections. "The man who appeared and performed his duties came from outside the state, so that, when wanted later by the courts on account of frauds which he perpetrated while in office, he was not obliged to go to the inconvenience of changing his domicile."¹⁴

The boss
appoints

Ordinarily the voter, recognizing his helplessness, votes the straight ticket. He transfers responsibility from himself to the party. It may be argued, of course, that as a member of the party he took a hand in drawing up the ticket; being abnormally conscientious, he cast a ballot in the primary. But what he actually did in the primary, perhaps, as to minor offices at least, was to transfer responsibility from himself to the party organization, which had considerably come to his assistance with a prepared slate. The direct primary has been represented as a means of circumventing the machine. In fact it originated in what Walter Lippmann calls the "homeopathic fallacy," the assumption "that adding new tasks to a burden the people will not and cannot carry now will make the burden of citizenship easily borne."¹⁵ In the folds of the long ballot, whether on primary day or on election day, the boss is hidden. The voters make a gesture of electing public officers; too often they are merely ratifying ap-

¹² R. E. Cushman, "Non-Partisan Nominations and Elections," *Annals*, as cited, p. 89.

¹³ *Short Ballot Bulletin*, April, 1912. Commenting upon this election, the Northampton Herald (February 28, 1912) recalled the eulogy of an imaginary candidate by the Springfield Union. "The claim was jokingly made that the Union would praise and support the devil were he nominated on the Republican ticket. As the result of a wager, the Pittsfield Journal stated that Bill Dryer of Richmond had been named for representative. No such man existed, but a few days later there appeared in the Union an editorial notice extolling the good qualities of William Dryer, Esq., of Richmond."

¹⁴ R. S. Childs, *op. cit.*, p. 34. "In theory," says Childs, "the people of Clarence Boyd's district should have studied the relative qualifications of the various candidates and chosen the one who met with their approval. In a community where no man knew all his neighbors, however, the fact that Clarence Boyd did not exist was not discoverable by the methods of inquiry that are available to the average voter. The fact that there was absolute silence on the part of Clarence Boyd during the weeks prior to the election excited no suspicion. Candidates for the office in question never made a campaign, for the ample reason that no one would ever listen if they did. Nothing but the discovery of a plot for fraud would attract attention to such a picayune contest."

¹⁵ *The Phantom Public* (1925), p. 38.

pointments that the boss has made.¹⁶ The practical effect of over-emphasizing the principle of election, says Henry Jones Ford,¹⁷ has been "to convert a system of responsible appointment into a system of irresponsible appointment. It is obviously impossible for people to select officers for innumerable places except by some means of agreement and coöperation, which means is obviously supplied by the activity of the political class. It may be laid down as a political maxim, that whatever assigns to the people a power which they are naturally incapable of wielding takes it away from them."

The people are "naturally incapable" of electing twenty or thirty—or, it may be, forty—public officers on the same day. They are incapable of being even mildly interested in the obscure offices which confront them on the ballot. Why should they be bothered with state printers and veterinarians, bailiffs and clerks of court, public weighers and statisticians? Candidates for such offices make no campaign. If they showed themselves, no one would look; if they talked, no one would listen. All they need is the backing of the machine, a place on the party ticket. Most of these officers are administrative officers, who have nothing whatever to do with the determination of policy. How can the electorate measure their technical qualifications? The electorate, so far as it is competent at all, can express a preference for a particular policy or for a particular candidate who embodies that policy, but it cannot pick a good state treasurer or state engineer. In 1912 the treasurer and engineer of New York were renominated and reelected, although a single term had been the rule. Such public confidence might be interpreted as a reward for efficient and honorable service. Shortly afterwards, however, both men were haled before a grand jury. The treasurer hanged himself; of the engineer the grand jury declared that he was not fit to hold any public office. From the standpoint of popular interest technical offices are always obscure, says Richard S. Childs;¹⁸ "and the same is true of any clerical or purely administrative post. What, for instance, can the candidate for the post of state treasurer do to demonstrate his superiority over rival claimants for the position? He

¹⁶ Commenting upon revelations in the trial of Joe Cassidy, boss of Queens county, New York, who was convicted of selling a judicial nomination, the *Short Ballot Bulletin* observed (February, 1914): "And so, since the people will not do it, somebody must do the selecting. The judges in New York, it appears, are really appointed now! In that case why not let some responsible person, like the governor, do the appointing?"

¹⁷ *The Rise and Growth of American Politics*, p. 299.

¹⁸ *Op. cit.*, p. 36.

can claim that he will be honest and systematic and intelligent—but so can his rivals. If the accounting system of the state is out of date he can promise reform—but he can't stir the people to strenuous partizanship on his behalf by talking about book-keeping. Nothing he can do can alter the fact that there is little or nothing in the state treasurership that will fire the imagination of a million voters."

Separation
of elec-
tions no
remedy

Popular control cannot be a reality as long as the ballot is loaded with administrative, judicial, and minor political offices. Recourse to appointment is the only solution. To separate national, state, and local elections is desirable in order to avoid a confusion of issues and more particularly to avoid the subordination of state and local politics to national politics. But the voter does not, thereby, find his burden made any lighter. He is constantly being summoned to the polls. The Pennsylvania constitution of 1873 provided that municipal elections should occur in February, state and county elections in the fall; that the governor should be chosen for a four-year term in off years (*i.e.* midway between presidential elections), the state treasurer every odd year, and the auditor every third year. Illinois has carried the plan still further; in some parts of the state, elections occur seven times each year, and in other parts ten times in each period of two years. In one year Professor Joseph P. Harris served in six separate elections as an official. That was in Chicago. Minneapolis does almost as well—"five separate and distinct elections on separate days, in certain wards of the city."¹⁹ What is gained in one way, by reducing the size of the ballot and simplifying the issues at any given time, is more than counterbalanced by the expenditure of so much energy, not to speak of money, in repeated campaigns and pollings. The voter stands aloof; the professional politicians become still more necessary in the operation of such complicated machinery. Pennsylvania simplified her arrangements in 1901, fixing the term of state and county officers at four years and providing that state elections should be held in off years, municipal and county elections in odd years.

Slow
progress
of reform

The necessity of reform has been emphasized by some of the most eminent figures in political thought.²⁰ Charles W. Eliot described the short ballot as "absolutely the gist of all constructive

¹⁹ Joseph P. Harris, *Election Administration in the United States* (1934), pp. 202-203. In one Illinois community three elections were held within eleven days. "In many states there are four regular elections held within a year."

²⁰ See the opinions quoted in *The Short Ballot* (6 ed., 1930), a pamphlet issued by the National Municipal League, 261 Broadway, New York City.

reform." Woodrow Wilson described it as "the key to the whole problem of the restoration of popular government in this country." His opponents in the presidential campaign of 1912, Taft and Roosevelt, expressed similar views. No one of authority can be quoted against them; no serious argument has been offered to confute them. That reform has made such little progress, outside the field of municipal government, must be attributed less to the interested opposition of machine politicians than to the delusions of "mystical democrats," as Walter Lippmann styles them—the men who are unwilling to set any bounds to the competence of the people. Progress there has been. Here and there a few state officers, once elective, are now appointed by the governor; indeed, under recent amendments to the New York constitution the people now elect only the governor, lieutenant-governor, comptroller, and attorney-general among the state officers, their term having been lengthened from two to four years.²¹ It is in the cities that the most notable advance has been made. Something like a revolution has taken place in the last thirty years. Almost everywhere a shorter ballot has been introduced. Where the mayor-and-council system persists, the mayor appoints the heads of departments; where the commission plan has been adopted, the five commissioners serve as departmental heads, their subordinates being appointed; and under the city-manager plan, now (1942) applied in four hundred and ninety-three cities, the council appoints a city manager, who in turn appoints his subordinates.²² On the other hand, almost nothing has been done to reclaim county government from the jungle.²³ It is only in recent years that explorers have charted that dark continent and revealed the disastrous consequences of incoherent organization and divided responsibility.

²¹ The term of the assembly was lengthened to two years. There is now a strong sentiment in favor of a four-year term for the state senate. On the other hand, the voters of Nebraska and Virginia rejected, in 1940, proposed constitutional amendments which would have made the ballot somewhat less formidable.

²² The commission plan has been authorized in 44 states; the city-manager plan, in 38. Ten cities with a population of over 200,000 have adopted the former; 20 with a population of over 100,000, the latter.

²³ Five states, by constitutional amendment, have permitted the counties to adopt home-rule charters: California (1911), Maryland (1915), Ohio (1933), Texas (1933), and New York (1921-1935). As to New York see L. R. Chubb in *American Political Science Review*, Vol. XXX (1936), pp. 90-96.

THE INITIATIVE, REFERENDUM, AND RECALL

Direct
legislation
complicates the
ballot

But during the period in which the short ballot movement was making headway in the cities and appointment was being substituted for election,²⁴ the progressives throughout the country were bending their steps in an opposite direction. They were hurrying, as they believed, towards the same goal; they too wished to make government responsive to the popular will; but they pursued a very different route, one that ultimately seemed to carry them far from the desired objective. Their unmeasured confidence in the people led them to believe that the cure for democratic sickness was more democracy, that the long ballot should be made longer still, and that, if the people could not choose worthy representatives, they should take business into their own hands. Representative party conventions gave way to the direct primary; the initiative and referendum appeared as a means of supplementing and overriding the representative legislature. Theoretically, the direct primary and direct legislation, as instruments of popular control, possess great merits; in actual practice they sometimes justify the high hopes that were reposed in them. The general effect, however, has been unfortunate. In the first place, they have added to the burdens of an overburdened electorate. In the second place, they have distracted attention from the fundamental reform, from the necessity of simplifying the task of the voter and of concentrating power and responsibility in the hands of a few elected officers whom the people can really choose and control. In 1909 Woodrow Wilson said: "Simplify your processes, and you will begin to control; complicate them and you will get farther and farther from their control."²⁵ But three years later, as a candidate for the presidential nomination, he was preaching the progressive gospel and advocating fresh electoral complications. In the same year Theodore Roosevelt, addressing the Ohio constitutional convention, placed the short ballot in the first article of his political creed and then proceeded to recommend an enlargement of the ballot by means of the initiative, referendum, and recall.

²⁴ Richard S. Childs, of New York, gave the movement its name and founded in 1909 the Short Ballot Organization, with Woodrow Wilson as president. In 1921 the Organization was consolidated with the National Municipal League.

²⁵ "Elaborate your government; place every officer on his own dear little statute; make it necessary for him to be voted for; and you will not have a democratic government." Quoted in Beard, *op. cit.*, p. 522.

The initiative provides a means whereby a certain percentage of the voters (in Oregon eight) may draft a measure and submit it to the electorate.²⁶ Under the referendum a certain percentage of the voters (in Oregon five) may require the submission of bills that have passed the legislature.²⁷ Both these instruments of popular legislation are found together in eighteen states, situated mainly in the Western part of the country;²⁸ the referendum alone in Maryland and New Mexico. South Dakota led the way in adopting the initiative and referendum (1898). Utah and Oregon followed soon afterwards. In the years 1908-1912, when the progressive movement reached its apogee, the gospel of direct democracy spread rapidly and gained some converts outside the West.²⁹ At that time controversy grew bitter: extravagant claims were made on behalf of the new system; equally extravagant criticisms were directed against it.³⁰ But, as the impulse spent itself and the forward movement

Its wide-spread adoption

²⁶ In a number of states the legislature must be given an opportunity to accept or reject the measure. A popular vote takes place only in case the legislature rejects it. This form of initiative is called the "indirect" as opposed to the "direct initiative" in which the legislature is not consulted.

²⁷ This is the "mandatory referendum." When the legislature, on its own initiative, submits measures to popular vote, the term "optional referendum" is used. For the ratification of constitutional amendments the referendum had come into general use before the middle of the last century.

²⁸ These states are: South Dakota (1898), Utah (1900, 1917), Oregon (1902, 1906), Nevada (1904, 1912), Montana (1906), Oklahoma (1907), Maine (1908), Michigan (1908, 1913), Missouri (1908), Arkansas (1910, 1920), Colorado (1910), California (1911), Arizona (1911, 1914), Ohio (1912), Nebraska (1912, 1920), Washington (1912), North Dakota (1914, 1918), and Massachusetts (1918). Idaho adopted the initiative and referendum by constitutional amendment in 1912; but the legislature has done nothing to make the amendment effective. Mississippi did likewise in 1914; but, eight years later, the supreme court of the state held the amendment invalid in *Power vs. Robertson*. In all but five of these states (Maine, Montana, South Dakota, Utah, Washington) constitutional amendments may be submitted by popular initiative. New Mexico adopted the referendum in 1911, Maryland in 1915.

²⁹ See C. A. Beard and B. E. Shultz, *Documents on the Initiative, Referendum, and Recall* (1912).

³⁰ See D. F. Wilcox, *Government by All the People* (1912); J. Boyle, *The Initiative and Referendum: Its Follies, Fallacies, and Failures* (1912). For a thorough and unbiased examination of the system as it worked in Oregon for the first dozen years see James D. Barnett, *The Operation of the Initiative, Referendum, and Recall in Oregon* (1915). A much longer period is covered by W. Schumacher, "Thirty Years of People's Rule in Oregon: an Analysis," *Political Science Quarterly*, Vol. XLVII (1932), pp. 242-258. See also D. Y. Thomas, "The Initiative and Referendum in Arkansas Come of Age," *Amer-*

ceased, the passions that had been aroused subsided. To-day few would dream of contending that the initiative and referendum, in their actual operation, menace the principle of representative government. They are commonly regarded as a weapon held in reserve, as a gun behind the door, which may prove highly useful in time of emergency. But would such an emergency be likely to arise if we had a manageable ballot; if, for example, following the Canadian plan, the voter's task in a state election was confined to selecting one candidate for membership in a single-chambered legislature? Unfortunately, those who clamored for popular control shut their eyes to the reason for its absence. Instead of simplifying the task of the voter they elaborated it. There is no reason to suppose that, with this added burden, the voter will express his opinion on measures any more intelligently than he expresses his opinion on candidates.³¹ He is not so much interested in measures.

Its failure
to interest
the elec-
torate

The vote on candidates is always higher than the vote on measures.³² As to the extent of the disparity it is impossible to speak with precision because adequate statistics have not been compiled. In Arkansas, according to Professor D. Y. Thomas,³³ the vote on meas-

ican Political Science Review, Vol. XXVII (1933), pp. 66-75; C. I. Winslow, "The Referendum in Maryland," *ibid.*, pp. 75-79; V. O. Key and W. W. Crouch, *The Initiative and Referendum in California* (1939); M. Radin, "Popular Legislation in California," *Minnesota Law Review*, Vol. XXIII (1939), pp. 559-584; J. K. Pollock, *The Initiative and Referendum in Michigan* (1940).

³¹ Albert M. Kales (*op. cit.*, p. 120) observes: "The placing on the ballot at any election of a number of acts to be initiated or approved on a referendum adds more burdens to the already greatly overloaded voter. He must now read over the acts, study their details, and understand the ultimate effect or possibilities of certain clauses. The legislation to be considered by the voter may be of relatively small importance to the majority of the voters, or the desire of the majority for the general object may be so great that the means are not to be considered. The ballot may contain counter propositions and additional acts under the same subject. When these occasions arise, one thing we may be certain of: the average voter will be most densely ignorant of what it is all about. Who, then, in the usual case will have the privilege of directing him how to vote? Why, of course, the same organization that directs the voter regularly how to cast his ballot for candidates for office. . . . The initiative and referendum, then, while they may at times give the righteous a desirable advantage, will in normal conditions place in the hands of the extra-legal government the opportunity to secure the passage of undesirable laws or to defeat good ones. . . ."

³² This phenomenon is by no means peculiar to the United States. Regarding Switzerland, see Herbert Tingsten, *Political Behavior: Studies in Election Statistics* (1937), p. 210.

³³ *Op. cit.*, p. 74. It must be held in mind, of course, that Arkansas is one

ures has averaged "around" 75 per cent of the vote on candidates. In California the percentage for thirteen elections (1912-1936) is 73.7.³⁴ Available figures indicate that a number of other states—such as Washington, Oregon, and the Dakotas—have done almost as well. In Michigan the average percentage from 1910 to 1939 was 85.7, but the vote on four measures in 1940 fell to 70.7.³⁵ On the other hand, for Colorado, 1910-1924, it was only 53.4. Maryland has done little better. Suppose we say that for all states having a system of popular legislation the average reaches 75 per cent—obviously a generous estimate. Does that constitute a satisfactory record? Can we follow Dr. Beard when he says that popular interest is "extraordinarily high, taking the country as a whole and the general sum of things"?³⁶ From the standpoint of civic responsibility the popular interest may well seem very low. The voters have already entered the polling booth, impelled by the desire to secure the election of particular candidates. Yet a quarter of them, or more, recoil from the additional exertion of saying "yes" or "no" to the proposals that have been laid before them, usually on the same ballot. Perhaps they recoil because of sheer laziness; perhaps, because of a sense of frustration, realizing that the task lies beyond their capacity and that a "yes" or "no" would be meaningless. In either case the system of popular legislation stands condemned. It is 75 per cent of the actual voters who participate, not 75 per cent of the potential electorate;³⁷ and, except in presidential years, less than

of those states of the Solid South in which the Democratic primary attracts more voters than does the general election. Those who take the trouble to appear at the election might well be expected to have an abnormal interest in measures.

³⁴ Key and Crouch, *The Initiative and Referendum in California* (1939), p. 530. For 1938 Max Radin ("Popular Legislation in California," *Minnesota Law Review*, Vol. XXIII, 1939, p. 579) gives the percentage as 76.

³⁵ Pollock, *op. cit.*, pp. 23 and 86. Forty measures (nearly half the total) came before the voters more than once—three of them, four times (p. 43). "When compared to the use made of these popular instruments in the western states, Michigan has been very conservative. This is not to say that propositions of serious consequences to the citizens have been kept off the ballot. But it does mean that Michigan citizens have not rushed to the ballot every year with large numbers of issues dealing with all kinds of questions."

³⁶ *Op. cit.*, p. 528.

³⁷ Nor 75 per cent of the registered vote. According to figures for ten elections in California (1912-1928), the average vote on measures was 30.11 per cent of the average registration. Max Radin, "Popular Legislation in California," *Minnesota Law Review*, Vol. XXIII (1939), p. 569.

half of the adults—men and women who have reached or passed the twenty-first year—go to the polls. Perhaps a third of the potential voters interest themselves in initiated and referred measures. A mere majority of that third give the final word for passage or rejection. Fortunately, among those who do vote, there is a pronounced disposition to play safe and vote “no.”³⁸

The
publicity
pamphlet

The voter commits himself, not to the policy alone, but also to the specific details of each proposal. Even with the help of campaign oratory and newspaper comment he may find it hard enough to form an opinion as to the general implications of a dozen or more measures. Without studying the texts he may be completely misled by disingenuous representations. Maine, Missouri, and Nevada make no provision for publicity. In Michigan the text of the proposed measures is posted at registration and polling places; and the secretary of the state sends a concise statement of the purpose, nature, and effect of the measures to every newspaper, asking it to give the statement the widest possible publicity. In Arkansas, Colorado, and South Dakota the text of the measures, in Oklahoma the text and arguments on either side are published in the newspapers at public expense. The other states distribute publicity pamphlets to all the voters. The California pamphlet consists of two parts. In the first part appears the ballot number and ballot title of each measure (the ballot title expressing its purpose in not more than one hundred words) and arguments of not more than five hundred words prepared by the proponents and opponents.³⁹ In the second part appear

³⁸ It is only fair to say that popular legislation commands approval and even enthusiasm among persons of radical inclinations. “These cases,” says Professor Max Radin, “illustrate two things, first, that a kind of lobbying is possible in the case of popular legislation as in the case of the ordinary type, and, secondly, that it is far less dangerous and far less likely to become an abuse. It is, above all, open. Not only he who runs may read it, but it is designed for the running reader, and it requires him to stop and read it long and carefully. It is expensive, so that it is not likely to be used often. And it needs a basis of popular approval to begin with, or it will be completely unsuccessful. Evidently no final and convincing conclusions can be drawn from the facts here presented. But enough, I think, has been given to make it clear that the common objections to popular legislation are quite wide of the mark. On purely technical matters, on the basis of these figures, the popular judgment is likely to be better than that of the legislature and certainly less open to suspicion. On questions of important progressive reforms, it is vastly more likely to reach an acceptable conclusion.” “Popular Legislation in California,” *Minnesota Law Review*, Vol. XXIII (1939), p. 583.

³⁹ If the constitutional amendment or other proposition is submitted by the legislature, its author and another member of the same house prepare the

the text of each measure and the existing provisions of law. The parts of the proposed measures differing from the existing provisions are distinguished in print in such a way as to facilitate comparison. In California, Massachusetts, and Ohio the whole cost of the pamphlet falls upon the state. Elsewhere those who prepare the arguments pay the cost of the paper and printing.⁴⁰ In Oregon and Nebraska any individual may contribute arguments of any length, except that in case of an initiated measure only the person or group filing the petition may argue in its favor.

The publicity pamphlet undoubtedly serves a useful purpose. It affords the voter an opportunity to get precise information and to discharge conscientiously a task for which he is not very well equipped. In California, according to Professor Buell,⁴¹ its educational value has been "untold"; it is "driving out the old crowd consciousness which the boss so mercilessly exploited" and "putting in its place a group consciousness with an independent will of its own." Professor Barnett, in Oregon, is less ready to discover miracles. "The extent to which the voters in general make use of the pamphlet," he says,⁴² "is very uncertain. The size of the document as well as other difficulties certainly discourage many voters and keep them from reading it at all. Probably not one person in hundreds reads the whole pamphlet or any considerable part of it even in a cursory manner, much less makes a thorough study of much of its contents. But the pamphlet is used a great deal for reference to supplement other sources of information, and has probably had most of its usefulness in this direction. Moreover, the arguments in the pamphlet are published in condensed form by newspapers, and thus reach many voters." There is also another important aspect. The case for or against a particular proposal can be laid before the electorate at a very low cost. In the North Dakota pamphlet of 1919 the Independent Voters' Association took eleven and a half pages at two hundred dollars a page to combat the program of the Non-partisan League. "We haven't money enough," they said, "to publish a large number of newspapers every week and publish and dis-

affirmative argument; a member of the minority, appointed by the presiding officer, prepares the negative argument.

⁴⁰ In 1914 this charge amounted to \$34.13 for each page of the Oregon pamphlet (Barnett, *op. cit.*, p. 93). North Dakota imposes a charge of \$200 a page.

⁴¹ "Democracy in California," *Outlook*, Vol. CXXIX (1921), p. 178.

⁴² *Op. cit.*, p. 95.

tribute booklets by the hundred thousands as the leaders of the Nonpartisan League are doing. Therefore, we must depend largely upon space in this pamphlet for the purpose of presenting our side to the people. It costs less to use several pages of space in this pamphlet than to publish wagon loads of newspapers and booklets." The North Dakota pamphlet runs a little over eight hundred words to a page. Where the argument is limited to three hundred words, as in Ohio, or five hundred, as in California, it can contain little more than assertions and generalizations. And yet it is upon the arguments that the voter must depend. To him, untrained in the subtleties and peculiar implications of legal phraseology, the text of a measure by itself will be obscure, perhaps utterly unintelligible.

The recall

Closely associated with the initiative and referendum in the progressive scheme of popular rule was the recall. The recall made its appearance in the charter of Los Angeles as early as 1903. Later, when many cities adopted the commission or manager plan of government, it was introduced as a check upon the very extensive powers of the commissioners. In 1908 Oregon, in 1911 California, and in the following years nine other states⁴³ applied it to all elected officers. In Louisiana, Michigan, and Washington, however, judges are not subject to the recall;⁴⁴ in Kansas alone appointed officers are. In Oregon 25 per cent of the voters may file a recall petition, setting forth their complaint against the officer.⁴⁵ If he resigns within five days, the vacancy is filled according to law. Otherwise, according to a constitutional amendment of 1926, a special election takes place, within twenty days, to determine whether the officer shall be recalled. On the ballot, in not more than two hundred words,

⁴³ Arizona, Colorado, Nevada, and Washington in 1912; Michigan in 1913; Kansas and Louisiana in 1914; North Dakota in 1920; and Wisconsin in 1926. The legislature of Idaho has not implemented the constitutional amendment providing for the recall.

⁴⁴ Colorado adopted in 1912 the "recall of judicial decisions," which Theodore Roosevelt had advocated in the same year. The constitution provides (Article VI) that, when the state supreme court holds a statute invalid under the state or federal constitution, the decision shall be subject to approval or disapproval if, within sixty days, 5 per cent of the voters file a petition demanding a referendum. The state supreme court, however, declared this provision unconstitutional in 1921—as to questions arising under the federal Constitution in *People v. Western Union Telegraph Company* (198 Pac. 146) and as to questions arising under the state constitution in *People v. Marx* (198 Pac. 150).

⁴⁵ Barnett, *op. cit.*, pp. 191-218, describes the operation of the recall in Oregon.

appears a statement of the reasons for demanding the recall, and also a statement of the officer's defence. No officer is subject to recall proceedings until he has held office for six months,⁴⁶ or a second time unless the petitioners pay into the public treasury the cost of the first recall election. The arrangements in other states vary as to certain details. For example, the percentage of voters who must sign the petition varies from 10 in Kansas and San Francisco to 55 in the commission-governed cities of Illinois; in California it is 12 for a state-wide office,⁴⁷ 20 for a district office, and 25 for a city or town office. The period of immunity, usually six months, varies from three to twelve. In Louisiana and North Dakota an officer cannot be subjected to recall proceedings a second time; in Colorado the second recall petition must be signed by 50 per cent of the voters as compared with the 25 per cent required on the first occasion; but usually the Oregon plan is followed. The most marked variation occurs in the machinery of the recall. Thus, in Michigan—as in Louisiana and, since 1926, in Oregon—the voters first decide whether the officer shall be recalled. If they decide in the affirmative, then at a second election, held within thirty days, they proceed to fill the vacancy, the recalled officer being one of the candidates if he so desires.⁴⁸ In California, Colorado, and other states (including Oregon formerly) the voters do both things at the same election. The ballot presents the question of recalling the officer; and the voters answer "yes" or "no." It also presents a list of candidates for the office (among whom the officer involved does not appear); and the voters indicate their choice. If the verdict has been in favor of recall, then the leading candidate succeeds to the office.

Criticism
of the re-
call

As in the case of the initiative and referendum, the adoption of the recall really amounts to a confession that, under the existing system of elections, the people are incapable of choosing honest and efficient public servants. It is the wrong kind of remedy, a cathartic in place of a prophylactic.⁴⁹ Any doctor who understood the patient's con-

⁴⁶ A member of the legislature is immune from the recall only till the end of the fifth day of the first legislative session after his election.

⁴⁷ But the petition must be signed by 1 per cent of the voters in each of at least five counties.

⁴⁸ The arrangement is similar in Kansas, where, in case the recall is voted, "a vacancy shall exist to be filled as authorized by law"—that is, by election or appointment.

⁴⁹ For a favorable view of the recall, based upon an analysis of its history in California, see F. L. Bird and F. M. Ryan, *The Recall of Public Officers: Study of the Operation of the Recall in California* (1930).

stitution would have prescribed a reduced diet of elections. The recall is a homeopathic cure, which, if taken in large enough doses, would seriously aggravate the complaint. Fortunately it has been used with less freedom than the initiative and referendum, on the average perhaps not more than half a dozen times a year throughout the country. For the most part it has been directed against city and county officers. But in 1921, during the fierce struggle between the Nonpartisan League and the Independent Voters' Association, the governor and two other state officers were recalled in North Dakota; and the next year two members of the Oregon public utility commission were recalled. Although incompetence and misconduct are the most common grounds set forth for invoking the recall, personal animosities, factional cleavages, the clash of business interests, and other sordid motives sometimes lie behind the charges. Professor Barnett has given illustrations from the experience of Oregon.⁵⁰ Fear of the recall, it is said, operates upon the unscrupulous public servant as fear of the penitentiary does upon the potential felon. Perhaps it does. Perhaps, too, the aggressive and threatening attitude of some organized group intimidates the honest man into subservience. He knows that the somewhat negative, somewhat unsubstantial good-will of isolated voters, which the faithful performance of his duties over a short period of six months or a year may possibly gain for him, will count for little against the machinations of a compact, disciplined minority. The recall is simply the reincarnation of the Jacksonian myth that short terms and frequent elections keep power in the hands of the people. Power of a certain kind it does keep in their hands: the power of official life and death, exercised blindly, without discrimination, and without justice. It takes more than a few months for a man to find himself, to learn the ropes of the new office and establish a record on which he may fairly be held to account. Indirectly, however, the recall has had a beneficent effect. Commission government, with its concentration of powers and its

⁵⁰ *Op. cit.*, pp. 194 *et seq.* Thus, the mayor of Junction City was charged with being inefficient, immoral, untruthful, and arbitrary; but the influential motive was "the hostility of certain property holders caused by the mayor's action in opening streets which they had illegally closed." In another case, where illegal diversion of public funds was charged, "the real cause of the recall movement was simply a factional fight waged by two banks and their supporters." In still another case "the real motive for the movement was revenge against the judge for his part in protecting the county treasury against some of the 'recallers' and in disappointing others of them in their hopes for appointment to office."

relatively long terms of office, would never have made such headway in Western cities, had not the recall been introduced to allay the apprehensions of "mystical democrats."

INDIFFERENCE OF THE ELECTORATE

The long ballot and the frequency of elections are peculiar features of American politics. These peculiarities arise in part from the separation of executive and legislative powers, still more from the unnecessary multiplication of elective offices. In other countries the electorate choose at different times the members of the national and local legislative bodies, which, in turn, choose the executives. At a national election any Canadian, in voting for a member of Parliament, is through him voting for Meighen, the Conservative leader, or King, the Liberal leader, as the future prime minister of the Dominion; and all he is asked to do at that particular election is to place one mark on the ballot, express his choice between rival candidates for a seat in the House of Commons. His interest is concentrated upon national issues; his verdict is given by a single vote. On the other hand, the American is distracted and baffled by the multitude of obligations that are laid upon him. In Utah or West Virginia, for example, he casts a vote not only for presidential electors, congressman, and United States senator, but also for twenty or thirty state and local officers. "What is the reluctant and dumfounded voter going to do," asks Senator Fletcher,⁵¹ "when he finds himself in the voting booth with a ballot a foot long containing the names of candidates who are total strangers to him, confronted by a list of amendments he has never seen before and on all of which he has five minutes to make a decision? A voter would have to be an intellectual Sandow to vote intelligently on the complicated propositions that we put up to him to-day."

Effect
of long
ballot:

(1) con-
fuses voter

Now, the long ballot does something more than confuse the voter, deprive him of the power of expressing an informed opinion and reduce his gestures in the polling booth to futility. It discourages him from voting altogether. There can be no question that he has met with discouragement of some kind. The story of his abdication—so strangely contrasting with the spirit of a former age when men were ready to fight for the precious privilege of voting—has become familiar enough. Equal suffrage became nation-wide in 1920. According to the census of that year there were 54,128,895 adult citi-

(2) keeps
him from
voting

⁵¹ *Congressional Record*, June 28, 1926, p. 12194.

zens. Of these 26,657,574, or 49 per cent, took part in the presidential election; 20,579,191 or 38 per cent in the congressional elections two years later.⁵² The vote rose to a little more than 29,000,000, or 51 per cent (allowance having been made for increase in the number of adult citizens), in the presidential election of 1924. The following table gives the approximate percentages as compiled by the author.⁵³ Being concerned solely with presidential elections, it does not reveal the extent of popular apathy, so obvious in local affairs.

ACTUAL VOTE AS PERCENTAGE OF ADULT CITIZENS

1920-49	1932-56
1924-51	1936-63
1928-54	1940-66

In making use of these figures, of course, the peculiar situation in the Solid South must be held in mind. There, by ingenious constitutional arrangements, the Negroes are disfranchised; there, too, the overwhelming preponderance of the Democratic party leaves the white man little incentive to attend the polls on election day. The significance of these conditions may be gathered from the fact that in the presidential election of 1920 only 19 per cent of the adult citizens of the Solid South voted; and four years later still less than 20 per cent. For the remaining thirty-eight states the percentages were 56 and 59 respectively. If the Solid South, with its peculiar conditions, were left out of this picture, the record would look

⁵² *Congressional Record*, April 18, 1924, p. 6914.

⁵³ There is good reason to qualify the figures as approximate. Except for the year 1920, the number of adult citizens must be estimated on the basis of the next preceding or next succeeding census. My figures do not differ greatly from those appearing in the *United States News* on November 16, 1936-48.5 for 1924; 57 for 1928; 56.7 for 1932; and 61.1 for 1936. On the other hand, Odegard and Helms (*American Politics: A Study in Political Dynamics*, 1938, p. 723) give 67 for 1928 and 70 for both 1932 and 1936. They do not cite the source of these percentages, which seem much too high.

Harold F. Gosnell (*Why Europe Votes*, 1930, p. 196) gives the following percentages: 56.9 for 1920; 56.6 for 1924; 67.5 for 1928. Peel and Donnelly (*The 1928 Campaign*, 1931, p. vii) give Gosnell's percentages for 1924 and 1928 without citing any authority; and, as to 1928, they estimate the "eligible voters" at 54,629,000 (p. ix). What the term "eligible voters" may mean is something of a mystery. It can scarcely mean registered voters if one may judge by the context and by the fact that, according to data current at the time, these did not exceed forty-four millions. Does it mean adult citizens (usually styled "potential voters")? Then the estimate is strangely at variance with the census of 1930, which gives their number as 70,363,700.

much better. Without examining the actual figures for each election, it may be said that the average percentage for the six presidential years might reach 65.

To some extent this indifference merely reflects the disillusionment with democracy that now characterizes western civilization everywhere. Robert Michels, with his eyes on Europe, observed, a quarter of a century ago, that "among the citizens who enjoy political rights the number of those who have a lively interest in public affairs is insignificant. . . . The majority is content, with Stirner, to call out to the state, 'Get away from between me and the sun!'"⁵⁴ Elihu Root, with his eyes on America, says that a large part of mankind regard government as "a function to be performed by some one else with whom they have little or no concern, as the janitor of an apartment house whom somebody or other has hired to keep out thieves and keep the furnace running."⁵⁵ According to Bryce, whose acquaintance with modern governments was unrivalled, the splendid hopes of the apostles of democracy have been rudely shattered. "The lapse of years," he says,⁵⁶ "has given us a fuller knowledge. It is time to face the facts and be done with fantasies. . . . The proportion of citizens who take a lively and constant interest in politics is so small, and likely to remain so small, that the direction of affairs inevitably passes to the few." It is not in the United States alone, then,

Apathy
relatively
greater in
the United
States

⁵⁴ *Political Parties* (1915), p. 49. In their valuable study on *Non-voting: Causes and Methods of Control* (1924), C. E. Merriam and H. F. Gosnell are concerned with the Chicago election of 1923 in which only 723,000 of the 1,400,000 potential voters took part. They conclude (p. 34) that 44.3 per cent of the absentees abstained through indifference or inertia; 25.4 per cent through physical difficulties, such as absence from home or illness; 12.6 per cent through legal and administrative obstacles, such as lack of the residential qualification or inferior facilities for voting; and 17.7 per cent through disbelief in voting, such as opposition to woman suffrage or disgust with politics. No doubt indifference was the real cause of abstention in many cases where other explanations were given to the investigators; for, in the first place, an active desire to vote would have prevailed over some of the alleged obstacles; and, in the second place, wishing to escape an indictment for civic apathy, men are disposed to seize upon any convenient excuse.

⁵⁵ *The Citizen's Part in Government* (1907), p. 5. "The greater number of citizens," says Simeon Strunsky (New York *Times Book Review*, Oct. 25, 1925), "have simply shrunk from the duty to understand everything into a state of indifference and golf on election day. The conscientious and unhappy minority sweats blood over the 'facts' about the League of Nations and the 'facts' about the Chicago Drainage Canal, and ends up by not understanding."

⁵⁶ *Modern Democracies*, Vol. II, p. 549. See also the passage commenting on Spanish conditions, p. 601.

that the disquieting symptoms of apathy have been observed. The phenomenon is world-wide. But one would expect it to be less obvious in the United States, where democracy was first established and where the masses are best equipped both with education and with material possessions. As a matter of fact political apathy, as measured by the election returns, is more pronounced in the United States than in other well-established democracies. Taking the period 1924-1936, which includes four elections in each case, we find that, on the average, 83 per cent of the registered voters went to the polls in France;⁵⁷ 78.6 per cent, in the United Kingdom.⁵⁸ According to Herbert Tingsten,⁵⁹ the average for four elections has been 83.8 in Germany (1930-1933), 77.7 in Switzerland (1922-1931), 79.7 in Denmark (1926-1935), 72.9 in Norway (1924-1933), 87.7 in New Zealand (1922-1931), 73.7 in the Irish Free State (1927-1933), 71.6 in Canada (1921-1930), and 70.7 in Australia (1914-1922) before the adoption of compulsory voting.⁶⁰ It may be urged that these percentages, which are based upon registration, are not comparable with the American percentages, which are based upon the number of adult citizens. There is, in fact, a discrepancy. Yet its significance should not be exaggerated. In foreign countries the register does include the great mass of persons qualified by age, because personal application is not required.

The "jungle ballot" responsible in part

Why is it that the American electorate, second to none in intelligence and saturated with a long tradition of democratic politics, ranks so low in comparison with other electorates? Is there some peculiar condition that operates as a deterrent? Is there some factor whose presence or absence will serve to account for an apparent anomaly? The answer has already been suggested. The American voter does too little because he is asked to do too much. If he goes to the polls, he gets lost in the "jungle ballot"; he can hardly escape a feeling of utter futility. Ready as he may be to choose the next President of the country, what does he know about the candidates for the office of assessor or constable or clerk of the circuit court? It may be argued that, having formed a definite opinion about the

⁵⁷ W. R. Sharp, *The Government of the French Republic* (1938), p. 65.

⁵⁸ *Constitutional Year Book*, 1938, p. 286.

⁵⁹ *Political Behavior: Studies in Election Statistics* (1937), pp. 219-221.

⁶⁰ On the other hand, the percentage for Finland (1924-1930) is only 56.9; and for Sweden (1921-1932), 60.5. After the introduction of the compulsory vote in Australia, the percentage rose at once (1925) to 91.3. *Cambridge History of the British Empire*, Vol. VII, Part I (1933), p. 467.

presidency, his interest in that conspicuous and important office should attract him to the polls, even if he cares nothing about constables and assessors; that his interest in one direction cannot be counteracted by his apathy in the other. He is, indeed, more likely to vote in presidential years than in off years. Election statistics make this very clear. But the complicated machinery of registration, nomination, and election, grinding away year in and year out, all its noises blending into one repellent note, has a cumulative effect. In self-defence the voter may close his ears, become oblivious to it all, very much as the New Yorker ceased to hear the commotion of the Sixth Avenue elevated railway, now happily extinct.

The most obvious remedy for electoral indifference is to simplify the electoral processes. What are some of the changes that experience seems to recommend? In the first place, personal registration is no more necessary in this country than it is in France or England. In the second place, the direct primary is quite superfluous; under a system of nomination by petition, with a second election in case no candidate received a majority vote in the first, no substantial interest of any voter would be prejudiced. In the third place, there is no reason why power and responsibility should not be concentrated in the hands of a few elected officers instead of being dispersed and lost among a host of officers whose election is little more than a form. But, although simplification is recommended by experience as the obvious remedy, it meets with little encouragement among the politicians. They rely upon homeopathy or auto-suggestion. Ignoring the cause of the malady, they treat its superficial manifestations, or they persuade the voter to tell himself, morning and night, that it is his sacred duty to attend the polls. Tinkering with symptoms may, of course, afford a certain amount of relief. If the absentees complain of inferior voting facilities, let better polling places be selected and let them be kept open for longer hours. It will then be discovered whether the excuse is genuine or a mere cloak for apathy.

Suggested
remedies

On this point absent-voters' legislation should prove illuminating.⁶¹

⁶¹ The progress and character of this legislation have been described by Professor P. O. Ray in occasional contributions to the *American Political Science Review*. See especially Volumes VIII (1914), pp. 442-445, XII (1918), pp. 251-261, and XVIII (1924), pp. 321-325. In the same periodical, Vol. XXXII (1938), pp. 898-907, Paul B. Steinbicker describes the existing situation in some detail. See also J. P. Harris, *Election Administration in the United States* (1934), pp. 283-301; and J. K. Pollock, *Absentee Voting and Registration* (American Council of Public Affairs, n.d.).

Absent-
voters'
laws

Strictly speaking, the phenomenon is not peculiar to the present century. During the Civil War soldiers and sailors, when absent on active service, were permitted to vote. In 1896 Vermont extended the privilege to civilians. The statute provided that, upon presenting a certificate to show that he was qualified to vote in his own town, the voter could cast a ballot for state-wide offices in any other town of the state. Neglected for a time, the new idea was adopted eventually by Western progressives. Kansas led the way. As early as 1901 that state had enacted an absent-voting law for railroad employees. Ten years later an amendment brought within the scope of the law all voters who might be absent by reason of their business or occupation. This set the West in motion. Four states enacted statutes in 1913; eight, in 1915. The movement spread to the South and, a little later, to the East, enveloping the whole nation. To-day forty-five states have absent-voters' laws; but the laws of Maryland, Pennsylvania, and New Jersey apply only to persons on active service in time of war.⁶² Mississippi repealed her law in 1932. The courts held unconstitutional the laws of Kentucky (1921), New Mexico (1936),⁶³ and, as to civilians, Pennsylvania (1924).

Their
character

While the principle of absent voting has been generally accepted, its application varies a good deal from state to state.⁶⁴ In all cases it has been applied to absence or expected absence from the county on election day. But seventeen states concern themselves with the cause of absence, which must be necessary and unavoidable.⁶⁵

⁶² One of the chief reasons for the repeal, in 1926, of the New Jersey civilian absentee-voting law was the fact that so few persons took the trouble to avail themselves of it.

⁶³ In *Thompson v. Scheier* (May 7, 1936), chiefly on the ground that the constitutional amendment of 1920 empowering the legislature to act had not been adopted by the required popular majority. Thomas C. Donnelly, *The Absentee Voter Problem in New Mexico* (University of New Mexico, 1938). Professor Donnelly is much concerned because absentees continue to be disfranchised along with insane persons, felons, and Indians not taxed. The people of New Mexico do not share his tragic mood. In 1937 a proposed constitutional amendment, instead of receiving the necessary two-thirds vote in each of the thirty-one counties, was actually defeated in seventeen!

⁶⁴ Steinbicker, *op. cit.*, pp. 899-900. Tennessee and Virginia require that the absentee shall be within the United States; Missouri and Oklahoma, within his state; Rhode Island and West Virginia, outside his state. Steinbicker is wrong in saying that the law of North Carolina applies only to local elections.

⁶⁵ Thus in Delaware: "because of the inherent nature of his or her work or business, such as commercial travellers, railroad employees, pilots and sailors, and not merely because such electors may find it more convenient to follow his

Twenty-seven states extend the principle to include persons who, by reason of illness or physical disability, are prevented from going to the polls, although not absent from the precinct. Again, there are exceptions to the practice of including all primaries and elections. In New Hampshire the law applies only to voting for presidential electors; in Massachusetts, only to the biennial general elections; in South Carolina, only to primaries. Finally, there are two quite different methods of voting. In Oklahoma, on the day of any primary or general election, the absentee may present his registration certificate at any polling place within the state, make an affidavit, and, having received a ballot, mark it in the usual manner. Both the affidavit and the ballot are then sent by registered mail to the appropriate county election board. This plan is open to criticism on the ground that the identity of the voter is known to those who count his ballot and that, since he does not receive the ballot of his own county, he cannot vote for local offices unless he happens to remember the names of the candidates and writes them in. For these and other reasons the alternative plan has come into almost universal use during the past decade. The Iowa statute will serve as an illustration. If the voter is absent or expects to be absent from his home county by reason of his business or if he is prevented from going to the polls because of illness or physical disability, he applies for a ballot not more than twenty days before the election, his application taking the form of an affidavit. He receives by mail a ballot and envelope. Having marked the ballot and having subscribed to an affidavit that appears on the reverse side of the envelope, he inserts the ballot and transmits it in a carrier envelope to the county auditor or the clerk of the city or town, as the case may be. On election day the precinct judges compare the application affidavit with the affidavit on the envelope. If they are satisfied that the signatures correspond, that the applicant is a duly qualified voter, and that he has not already voted in person, they open the envelope and deposit the ballot, still folded, in the ballot box.⁹⁶

The purpose of the absent-voting laws merits commendation; their theoretical value cannot be questioned. It is well known that, in cities at least, whenever an election occurs, a considerable proportion of the electorate will be kept away from the polls because they have

Their effect: of little importance

or her work or employment" elsewhere, as in the case of mechanics or farm workers.

⁹⁶ For detailed comment upon laws of this type, see Steinbicker, *op. cit.*, pp. 902-907.

temporarily left their homes. If these absentees really wish to vote, the opportunity should be given. But do they really wish to vote? Professor Steinbicker's estimate for 1936, that nearly 2 per cent of 45,000,000 ballots were cast by absentees, can be justified neither by his own data for that election nor by other available figures.⁶⁷ Thus, in New York City, the absent vote constituted only three-hundredths of 1 per cent of the total vote during the years 1921-1930;⁶⁸ and in Detroit the highest percentage in four elections was little more than one-half of 1 per cent.⁶⁹ A percentage of 1.83 for Omaha in 1928 seems to be abnormal even for that city.⁷⁰ From a survey of available statistics Professor Harris concludes that "absent ballots constitute usually less than one-half of one per cent of the total vote cast" and that this situation is "decidedly disappointing" to the proponents of the reform.⁷¹ Even this small vote may be due to the persuasion of precinct leaders rather than the interest of individuals themselves.⁷² Indeed, circumstances have sometimes made the rôle of the machine politician obvious.⁷³ To say that

⁶⁷ Steinbicker was able to get information from only nine states, but believed that these nine (giving an average percentage of about 2.5 for absent voters) "present a fair cross-section of the whole United States." One wonders how reliable the information was; for among the nine states appears New Mexico where the absent-voting law had been held unconstitutional on May 7, 1936! The danger of generalizing from such limited data is suggested by the marked variations in percentages among the nine states—from one-third of 1 per cent in Rhode Island to 11 per cent in Arizona. We must further hold in mind that six states do not permit civilian absentees to vote, these including the populous states of Pennsylvania and New Jersey; and that in some other states, including Illinois, the vote of absentees is notoriously negligible.

⁶⁸ Joseph P. Harris, *Election Administration in the United States* (1934), p. 293.

⁶⁹ *Ibid.*, p. 295.

⁷⁰ *Ibid.*, p. 296. In 1922 the percentage was .47; in 1924 1.1; and in 1926, .66.

⁷¹ *Ibid.*, p. 293.

⁷² Indeed, the extent of electoral apathy cannot be measured by an investigation as to why people refrain from voting. It is almost as important, and still more difficult, to find out why people do vote. Civic interest is not the only motive. Some vote in order to escape criticism; others, out of friendship for a politician or a candidate, or because they have been paid.

⁷³ In Harding county, New Mexico, Scheier and Thompson were candidates for the office of sheriff. All the absentee votes, sixty-one in number, were cast for Scheier, who won the election by nine votes! Thereupon Thompson attacked the validity of the absent-voter law in the courts and, having been sustained by the district and supreme courts of the state, became sheriff. In Polk county, Iowa, absentee voters constituted, in 1940, over 5 per cent of the total, as against a tenth of 1 per cent for St. Louis, Missouri. But notaries had solicited

many qualified persons are ignorant of the existence of the law or discouraged by its requirements is merely to adduce further evidence of apathy.

How strange it is to contemplate, on the one hand, the enthusiasm with which state legislatures welcomed the principle of absent voting and, on the other hand, the meager results obtained! Is there not more than a suggestion that what American politics needs is not a greater opportunity to vote, but a greater interest in voting? According to a very prevalent belief, the lack of interest is not due to any defects in the electoral mechanism. It is due to an abnormal and selfish disposition of the mind. The stay-at-home citizen is represented as a slacker who evades his civic obligations and thereby betrays his country. Opinions differ as to the best methods of correcting his conduct. Some propose that he should be converted to a better frame of mind by something akin to religious revivalism, by an appeal to his dormant emotions of patriotism; others, that, since voluntary enlistment has failed, the state should resort to conscription. The first proposal led to the founding of the national Get-Out-the-Vote Club in the summer of 1924. The club's purpose, as disclosed in its constitution, was to enroll active workers, cooperate with other civic bodies, and promote a campaign of education throughout the country; "and likewise to engage in active and direct measures to secure the registration of voters, to get voters to the polls and aid absentee voters in casting their ballots, and to devise such measures and enlist funds necessary thereto for efficiently carrying out the above purposes."⁷⁴ Similar movements have been launched since that time. One organization sought to persuade every qualified person to sign a pledge that he would register and attend all primaries and elections. If such an appeal to dormant civic virtue succeeds at all,—some people resent interference with what they regard as their private affairs, not to speak of the superior pose of the uplifters,—its effect is not likely to persist. Emotional fervor declines; the old influences reassert themselves. "Neither now nor at any future time," says Max Stirner,⁷⁵ "will 'sacred duty' lead people

Proposed
remedies
for non-
voting: (1)
persuasion

prospective absentees, one offering (for a consideration) to supply 400 favorable ballots. *Senate Report No. 47* (1941), p. 65.

⁷⁴ *Literary Digest*, August 23, 1924.

⁷⁵ Quoted by Robert Michels, *Political Parties* (1915), p. 49. In the *Phantom Public* (1925), p. 15, Walter Lippmann says: "When the private man has lived through the romantic age and is no longer moved by the stale echo of its hot cries, when he is sober and unimpressed, his own part in public affairs appears to him a pretentious thing, a second-rate, an inconsequential. You cannot move

to trouble about the state, just as little as it is by 'sacred duty' that they become men of science, artists, etc."

(2) compulsion

But, if the citizen, standing aloof, refuses to assume the responsibilities of his citizenship, should not the state require him to do so? Compulsory voting is by no means an untried device.⁷⁶ It has succeeded, apparently, in Belgium.⁷⁷ Its recent adoption by some of the smaller European states and by the Commonwealth of Australia, where a fine of \$10 is imposed for failure to register or vote, may foreshadow its general acceptance.⁷⁸ Already, in the United States, the constitutions of Massachusetts and North Dakota have been amended so as to permit the introduction of the compulsory system.⁷⁹ What will be gained by its introduction? ⁸⁰ It is presumed that the voter will more seriously consider responsibilities which he can no longer escape, that he will become impressed with the im-

him with a good straight talk about service and civic duty, nor by waving a flag in his face, nor by sending a boy scout after him to make him vote. He is a man back home from a crusade to make the world something or other it did not become. . . ."

⁷⁶ Freemen were compelled to attend the English hundred-moot and shire-moot under the penalty of heavy fines; and a similar practice prevailed in Merovingian France and in the towns of medieval Holland (H. Spencer, *Political Institutions*, 1882, p. 430). In several American colonies (for example, Rhode Island and Maryland) some form of compulsion existed. (McKinley, *The Suffrage Franchise in the Thirteen English Colonies*, pp. 73, 270, 308, 430; Bishop, *History of Elections in the American Colonies*, pp. 100-101.) Belgium was the first modern state to adopt compulsory voting (1893). Spain followed in 1908; the Netherlands in 1917; Bulgaria in 1918; Czechoslovakia in 1920; Rumania in 1923; Luxembourg in 1924; Hungary in 1925; and Greece in 1929. See Herbert Tingsten, *Political Behavior* (1937), Chapter IV, on "Compulsory Voting," pp. 182-208.

⁷⁷ The average percentage of registered persons voting in four elections between 1921 and 1932 and casting valid ballots was 89. But it appears that about one-seventieth of all voters purposely handed in defective ballots. Tingsten, *op. cit.*, pp. 190-191.

⁷⁸ Australia adopted the system in 1924. Four of the six states have it: Queensland (1915), Victoria (1926), Tasmania (1928), and New South Wales (1928).

⁷⁹ The voters of Oregon defeated such an amendment in 1920 by 131,603 votes to 61,258.

⁸⁰ Does the result depend upon the punishment for failure to vote? If the penalty is heavy (fine or imprisonment), it will create resentment as out of proportion to the offence. If it is negligible, nothing will be gained; and, on the other hand, there may be an increased disrespect for law in general. Tingsten (p. 194) finds evidence in the Netherlands that the enforcement of the compulsory law has been very lax, especially in the cities. The astonishing number of invalid ballots cast in Belgium (pp. 190-191) and the Netherlands (pp. 193-194) cannot be ignored in measuring the effect of compulsion.

portance of his civic relationships, and that the mere mechanical act of voting will stimulate an interest in politics. Less happy results are quite as possible, however. The citizen may resent compulsion. He may come to regard his political rights, not as a privilege, but as a hateful burden. The vote that he casts—if he does not emphasize his resentment by leaving the ballot blank—may reflect nothing but lack of interest and lack of knowledge. In a word, the state can mobilize the electorate at the polls, but it cannot make the electorate think; it can manufacture more votes, but not more intelligent opinions. “The commendable craze of dragging people to the polls to vote against their will is not going to get us anywhere,” says Senator Fletcher,⁸¹ “unless the conscripted voters know why they are voting and what they are voting for.” This we must add: The future of democracy cannot be regarded with confidence when those who were once ready to die for the privilege of voting must be driven to the polls against their inclinations.

The situation in the United States is disquieting. Electoral apathy has become chronic. While legislatures constantly tinker with election laws, they aggravate rather than relieve the malady. As Professor Pollock has said,⁸² “the number of candidates and the number of offices has grown rather than lessened,” the ballot becoming longer instead of shorter. The badgered citizen has resorted to evasion. He has discriminated somewhat between the possible and the impossible. He stays away from the primary. (In 1941, only 6 per cent of the enrolled voters of Westchester county, New York, took the trouble to attend.)⁸³ He shows little interest in local elections. (Several mayors of Ann Arbor have been elected by less than 20 per cent of the registered voters.)⁸⁴ He often refuses to bother about the many insignificant offices. (In Illinois, recently, there was a difference of 300,000 in the votes cast for President and for clerk of the supreme court.) He often refuses to express an opinion on measures. (In 1939 a very important proposal was ignored by 1,300,000 voters or 40 per cent in New York City.) Unless paid or dragooned by party henchmen, he seldom avails himself of the “fancy” legislation designed to benefit absentees. The burden having become intolerable, the citizen casts it aside.

Too many
elective
offices;
too many
elections

⁸¹ *Congressional Record*, June 28, 1926, p. 12, 193.

⁸² “New Thoughts on the Short Ballot,” as already cited, p. 1.

⁸³ *New York Times*, September 17, 1941.

⁸⁴ Pollock, *Voting Behavior* (1939), pp. 10–11.

Chapter XXVI

REGISTRATION ¹

Existing
suffrage
laws

The history of the elective franchise has been recounted in the early chapters of this book. Manhood suffrage came into existence gradually, as the original states abolished property qualifications and as new states entered the Union without them. Later on, when Negroes and women were enfranchised, constitutional safeguards were set up. Under the Fifteenth and Nineteenth Amendments the right of American citizens to vote may not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude, or on account of sex. With these exceptions,² the Constitution still leaves to the several states entire freedom in bestowing or withholding the franchise. Indeed, the states of the Solid South have managed to nullify the purpose of the Fifteenth Amendment by party rules (the white primary) and by ingenious constitutional devices (as to literacy, the payment of taxes, and the ownership of property) which, on their face, do not discriminate against the Negro. Neither the tax-paying test nor the literacy test is peculiar to the Solid South. Moreover, there are certain restrictions—further modifying the general rule that every American citizen of twenty-one years may vote—that are imposed in varying forms by all of the states. Everywhere a period of residence is required: for the state, the period varies from six months in Maine to two years in four Southern states and Rhode Island, and is commonly one year; for the county, two, three, or six months;³ and for the precinct thirty days or less. Paupers, lunatics, and idiots are disqualified everywhere, as also are persons who have been convicted of certain crimes and not pardoned or restored to citizenship. In-

¹ On this subject consult Joseph P. Harris, *Registration of Voters in the United States* (1929).

² And, of course, the provision of Art. I, Sec. 2, regarding the election of representatives; and of the Seventeenth Amendment regarding the election of senators.

³ A number of states have no requirement as to length of residence in the county. In four Southern states the period is one year.

habitants of the District of Columbia are debarred from voting unless they retain a legal residence in one of the states and go to the polls there. (They did vote locally for a brief period, 1871-74.)

In the first half of the nineteenth century, outside of New England, the voter did not have to establish his qualifications prior to election day. He simply presented himself at the polling place and, if his right to cast a vote were disputed, supported his claim by an affidavit and produced other voters to identify him. This practice suited the simple conditions of the time; common acquaintance acted as a bar to fraud. But with the growth of large cities, where families changed their abode frequently and in the same neighborhood might be strangers to each other, additional safeguards had to be devised. It became imperative to investigate claims beforehand. With that object in view, the system of registration was developed.⁴ Nowadays the name of the voter must appear on a list which has been compiled in advance of the election. Every one of the states has adopted a system of registration or its equivalent. Arkansas and Texas are sometimes cited as exceptions. Indeed, the constitution of Arkansas provides that no laws shall be enacted "whereby the right to vote shall be made to depend upon any previous registration of the elector's name." But both states require the voter to present a poll-tax receipt. In Texas this receipt gives his name, address, age, race, and occupation, details regarding his citizenship, and the length of his residence in state, county, and precinct.⁵ A few states, while prescribing registration generally, do permit an unregistered person to be "sworn in" as a voter on election day.⁶ While such an arrange-

Regis-
tration
adopted

⁴ "Before the enactment of registration laws," says Harris (*op. cit.*, p. 6), "it was not unusual for armed men to appear at the polls and demand the right to vote. After voting they quickly rode away, never to be seen again. Elections frequently turned into riots and shooting matches. Under the simple registration systems which were enacted at first the colonization of voters was quite common. Hoodlums were rounded up and lodged for a night or so in various lodging houses and cheap hotels and then registered from all of them. On the day of the election gangs of 'repeaters' were hauled from precinct to precinct and voted under different names. Sometimes the same persons would vote several times at each precinct, changing coats or hats between times. The early registration lists were often padded with bogus names or the names of persons who had died or moved or were checked off and voted by the corrupt precinct election officers. . . ."

⁵ The county tax-collector may administer an oath when seeking this information and bring cases of suspected perjury to the attention of the foreman of the grand jury. For each precinct he compiles a list of the citizens who have paid the poll tax.

⁶ In Minnesota (1939), if he satisfies the election board "by proper and suffi-

ment may avert injustice now and then, more frequently it has opened the way to fraud.⁷ Recognition of its potentialities in the hands of corrupt politicians has led several states to abandon it during the past ten years.

Urban and
rural areas
disting-
guished

It was the city that raised the problem of fraudulent voting and made a preëlection inquiry into qualifications imperative. Registration was devised to meet specific abuses. But the circumstances that call for such a remedy are not characteristic of the countryside. There the population is stable; mutual acquaintance bars recourse to colonization, padded rolls, repeating, personation; and, if a stranger appears at the polling place, his claim to vote will arouse the suspicion of the board of inspectors, without whose connivance imposture is bound to be detected. For these reasons ten states apply their systems of registration only to cities having more than a stated population: ⁸ for example, Wyoming, 1,000; Iowa, 6,000; Nebraska, 7,000; Missouri, 10,000; Ohio, 16,000. Elsewhere, the arrangements for urban and rural areas are differentiated, as in New York; ⁹ or, though uniform throughout the state, they have been designed to suit rural conditions since no large centers of population exist, as in Montana or Nevada.¹⁰

The system of compulsory registration has developed gradually over a long period of time. It appeared in Massachusetts as early as

cient evidence" and by oath that he is qualified under the constitution; in North and South Dakota respectively, if, in addition, his claim is supported by the oath of one or two registered voters; and in Iowa and Michigan, if he shows that he was absent during the time fixed for registration. According to the Michigan law (1939) failure to register must have been due to "sickness or bodily infirmity of himself or some member of his family or to his absence from the township or city on public business or his own business, and without intent to avoid or delay his registration."

⁷ Before 1927 Oregon allowed swearing in when backed by the testimony of two freholders; and at an election in one county almost a quarter of the total votes were so cast. In one Chicago precinct the affidavits under which 276 unregistered persons voted were found, in the main, to have been made out and signed by one person. Harris, *op. cit.*, pp. 111-112.

⁸ Missouri and Tennessee also except counties having a population of less than 100,000 and 50,000 respectively.

⁹ Outside cities and villages with a population of 5,000 or more, personal appearance for registration is not required in New York. The board of inspectors list every person who voted at the last election, unless they have satisfactory evidence that he is no longer qualified, and every other person "known or proven" to be entitled to vote.

¹⁰ The largest city in Nevada is Reno, with 21,000 inhabitants; in Montana, Butte with 37,000, there being only two other cities with 20,000 or more.

Early systems of registration: Massachusetts

New York

Existing arrangements in New York

1800 and spread to other New England states during the next half-century. Under the Massachusetts law the assessors of each town annually compiled an alphabetical list of inhabitants who were qualified to vote; the selectmen revised and corrected it. It is still true that the annual register is based upon returns which the assessors, after a house-to-house canvass, make to the board of registrars. The board compiles, and opens to public inspection, a list of last-year voters whose names have not been entered upon the new register, at the same time notifying such persons by mail. On the basis of the facts presented to it, it revises and corrects the register. Any person claiming the right to vote, though not so registered, must appear personally before the board. Boston does not come under the general state laws. New York lagged behind New England. A special law of 1840, applying to New York City alone, was repealed two years later. At last, in 1859, provision was made for a register based upon the poll list of the last election. Notwithstanding the fact that unregistered persons could qualify by affidavit on election day, the arbitrary power exercised in correcting the poll lists—that is, in adding and removing names—caused complaint; and six years later a new principle was introduced. Persons who had not voted in the last election or who had, since then, moved into the precinct or reached the age of twenty-one might have their names inscribed only by making personal application. For the cities of New York and Brooklyn personal appearance before the registering officers was required of all voters, the use of the poll book being discontinued; and, after a time, this system was extended to all cities of 15,000 population and over. To-day the two methods are still employed in New York. Personal registration applies to the more populous communities, where illegal voting is most likely to be attempted.

Under the present New York law the board of election inspectors (four in number) compiles the register for each precinct or election district. In cities of 5,000 or more it holds four meetings—on the fourth and third Fridays and Saturdays before the election;¹¹ elsewhere, two meetings. In cities of 5,000 and more the voters must appear in person. Elsewhere the board, using the poll list, removes

¹¹ The hours are 10 A.M. to 10 P.M. except on the last day, when the board convenes at seven. In New York City the meetings begin on Monday, the twenty-ninth day before election, and continue through Saturday. Since 1931 an applicant has been permitted to appear before a central registration board, instead of the precinct board, during the months of July and August (only August in cities of less than 50,000). Each county of New York City has a central board.

the names of "such voters as are proven to the satisfaction of such inspectors to have ceased to be voters in such district" and adds the names of all other persons known or proved to be entitled to vote. "A qualified voter in such election district may apply, but is not required to apply, in person, to be registered." Procedure is regulated in some detail, even to the point of requiring an American flag of stated size to be displayed and the premises to be clearly lighted. The board elects a chairman and decides questions by majority vote. Each party committee may appoint two watchers, who have the privilege of inspecting the records and challenging applicants for registration. Where personal registration is required the register contains thirty-seven columns; elsewhere eighteen. In the thirty-odd columns are entered such pertinent facts as the age of the voter (which he may withhold by stating that he is over twenty-one); his length of residence in the state, county, and election district; details as to his naturalization, if he has been naturalized; date when he last registered or voted, and his address at the time; his present address, with number of room or floor; the name of the householder or tenant with whom he resides; his occupation, with the name of his employer, if any; street and number of his place of business; proof of literacy; and his signature in a column headed "The foregoing statements are true."¹² Any applicant may be challenged by a watcher or other qualified voter. He then must answer under oath a series of thirty-six questions appearing on the "challenge affidavit." He signs the affidavit, as do all four inspectors. Along with the answers appears a physical description of the applicant: height, weight, color, color of hair, hair on face, kind of nose, marks on face or hands, distinguishing marks. The local police captain or sheriff must immediately investigate the truth of all challenge affidavits and deliver any evidence of falsity to the district attorney for action by the grand jury.

Progress
of reform:
Pennsyl-
vania

Professor Joseph P. Harris has indicated the broad lines upon which registration evolved in this country.¹³ Between 1860 and 1880 other Northern states fell in line with New England, at least to the extent of imposing registration upon their large cities. The next

¹² If the voter cannot sign his name, one of the inspectors asks him a series of questions, records the answers in the "book of identification statements," and certifies them with his own signature. The signature has been required since 1908 and affords by far the best means of identification when compared with a signature written on the day of election.

¹³ *Registration of Voters* (1929), Chapter III.

twenty years saw the movement extend beyond populous areas in the pioneering states and also penetrate the states of the South and West. The early laws, experimental in nature, often were short-lived, either because practice revealed their defects and inadequacy or because popular indifference allowed machine politicians to get rid of them. Nevertheless, the movement steadily gathered headway. Law succeeded law; amendment succeeded amendment. Constitutional difficulties had to be surmounted. Consider the developments in Pennsylvania. The original law of 1836, under which the assessors compiled the voting list, was superseded thirty years later, largely because of scandals in Philadelphia. The courts held the new law invalid as discriminating, by special and stringent rules, against the metropolis. The constitution of 1873 confirmed this decision: methods of registration must be uniform throughout the state. Not till 1901 was the legislature empowered to classify cities for this purpose. Soon afterwards it applied a system of personal registration to Philadelphia. The immediate effect was startling. The registered vote fell from 385,036 to 250,950. In one ward, where corruption had been particularly rampant, there was a decline of 58 per cent.¹⁴ For the moment it seemed that formal devices could prevail over the sinister ingenuity of the machine. The politicians, however, soon found ways of circumventing the law. Their dominance was not broken. Reform took a new line in 1937 and brought the city under a system of permanent registration, with all the paraphernalia that the most advanced expert could devise—triplicate affidavits, filing cards instead of books, etc. It may be that this plan will prove more successful than its predecessor. Yet an investigating committee found, among other things, that the records were seriously defective and registration affidavits lost. The findings of the committee may have been colored by partisanship, of course.¹⁵

¹⁴ *Ibid.*, pp. 79-80.

¹⁵ *Report* of the governor's committee for investigation of alleged disfranchisement of electors in Philadelphia (October, 1938). The registers were never found up-to-date or in exact alphabetical order (p. 15). "In all these cases, where the clerks pull the affidavits from the various registers, they seldom leave any indication that the affidavit was even there or why it was pulled. Thus, an error in pulling the wrong affidavit or an error of information, if not discovered until election day, may not be corrected in time to permit the qualified elector to vote" (p. 27). It was found that 18 per cent of registration affidavits were so defective regarding naturalization as to give grounds for disfranchisement (pp. 54-55). Registration is cancelled for failure to vote over a four year period; yet, when votes were cast, the officials often failed to note the fact on the registration affidavit (p. 19). See p. 727 *infra* for 1941 report of a Senate Committee.

Indiana

Although the general assembly of Indiana had power under the constitution to "provide for the registration of all persons entitled to vote," several of its attempts to do so were nullified by the courts. At last, the state-wide arrangements of 1911 were sustained. They gave way, after a decade of successive modifications, to a system of permanent registration. Unfortunately, the system did not extend to primaries, where the most serious frauds occurred. Moreover, it allowed registration, without personal appearance, by means of an affidavit. "The party organization," says Professor Harris,¹⁶ "had their political workers made notaries, so that they could register their voters. This virtually made the precinct politicians registration officers." Criticism, on such grounds as these, led to repeal in 1927. After the lapse of several years the existing law was enacted. Registration is "permanent," not "periodic" as in New York; and a voter, instead of being registered every year, remains on the list as long as he continues to reside in the county. An original registration occurred in 1934. Persons who were not listed then may register at any time, except during the month preceding a primary or other election, by appearing before the registration officer or one of his deputies and signing an affidavit in duplicate. The deputies receive applicants at places "which will be deemed most convenient to large numbers of voters, without reference to precincts." Any voter may object to the appearance of a name on the list by executing an affidavit and specifying his reasons for objection. The challenged voter must appear seven days after being notified and answer certain questions under oath or else be dropped from the list. If a registered voter changes his residence within the county, he can, by written or personal application, have the "transfer" noted; and, if the registration officer, having reason to believe that the place of residence has been changed, notifies the voter by mail of impending cancellation of his affidavit, the latter may have his registration continued by responding within thirty days. If a voter does not vote at an election within a period of two years, he must be notified of impending cancellation, which he can escape by applying for reinstatement within thirty days. On the day of election the voter must write his name and address on the poll list. If his identity is doubted, this signature is compared with the signature on the affidavit of registration; and, if it is found to be authentic, he shall be allowed to vote. As soon as he has voted, the election board shall indicate the fact on the affidavit.

¹⁶ *Registration of Voters* (1929), p. 88.

In attempting to classify systems of registration—and their variety makes classification difficult—the direct or personal type may be distinguished from the indirect, and the periodic type (like that of New York) from the permanent (like that of Indiana). Thirty-odd states require personal registration, under which applicants must appear before the registering officers, either for the whole state or for the more populous areas. Thus Kentucky requires it in all cases; New York, only in cities of 5,000 and upwards. Personal registration affords the best guarantee against the practice of voting in the names of fictitious or dead persons or persons who have moved from the precinct. At least, it does so when a new registration takes place at short intervals (annually or biennially) or when adequate measures are employed to purge and correct a less transitory list. On the other hand, a prospective voter may well find it inconvenient to put in a personal appearance each year just to qualify for participation in an election; all the more so if he must appear on one of a few allotted days in the summer or autumn, which is a usual period of vacation. The system of permanent registration meets this difficulty; for a registered voter remains on the list as long as he continues to reside in the county or city, and others can get on the list by registering at almost any time of the year. Registration is facilitated in various ways. According to the law of California, it may occur “at specified times and places, other than the office of the county clerk or registrar of voters, deemed most convenient to large numbers of voters, without reference to respective or particular precincts”; and an applicant, having obtained a blank affidavit, may execute it, even in a foreign country, if he will be “necessarily and unavoidably” absent on the days legally allowed for registration. Absentee registration is now permitted in more than twenty states.¹⁷

Types of registration: (1) personal or direct

Registration may be termed indirect or non-personal when the voter is not called upon to assume an active rôle in the process. The indirect type accommodates itself best to rural areas. There, on the one hand, the registering officers can obtain the necessary information without much effort; and, on the other hand, the farmer should be saved from the hardship of making a long trip to the place of

(2) non-personal or indirect

¹⁷ In most cases absence must be due to physical infirmity. In Kentucky an affidavit, endorsed by a physician or neighbor, may be sent to the county clerk by mail. In Arizona “the recorder or any justice of the peace may register an infirm or disabled elector at his home or place of confinement.” The expenses of such a visit shall be a county charge (in Montana and Oregon the voter pays). If temporarily absent from the state, a voter may register by affidavit on an official form.

registration. Rural and urban conditions, being different, it is often said, should not be forced into a common mold. Some states, therefore, while applying the direct system of personal appearance to more populous communities, provide for the indirect system elsewhere. Six states, which have no large cities, use the indirect system exclusively.¹⁸ Thus, in Vermont the selectmen of each town make, at least thirty days before the general election, an alphabetical list of persons qualified to vote, posting it in two or more public places and filing a copy with the town clerk. At least two weeks before the election they hold hearings for the revision of the "check-list"; they examine claimants under oath; after mailing notices to the persons concerned, they drop the names of those who appear to lack qualifications. West Virginia goes so far as to require the registrars to "visit the usual place of abode of every voter" for the purpose of purging the list. While the system in these six states is predominantly indirect, personal application may occur when the lists are being revised or even when the registrars first meet. In North Dakota the tentative list is compiled by entering the names of voters as shown by the poll-book, of persons known by the officials to be qualified, of persons shown to be qualified by the oath of a registered voter, and of persons appearing personally and taking an oath. Similarly, in New Mexico personal application may be made; moreover, a registered voter may register his immediate family and servants, when they live at his residence, and also certain blood relations, even when they live at a different address.¹⁹

(3) periodic

Registration is called periodic when, at fixed intervals, the old list is abandoned and a completely new one compiled. The interval may be one year (as in New York), two years (as in Georgia), or four years (as in Louisiana); indeed, it is six years for cities of a certain size in Nebraska; and ten years in South Carolina.²⁰ The periodic

¹⁸ New Hampshire, New Mexico, North Dakota, South Dakota, Vermont, and West Virginia.

¹⁹ So in Colorado, where personal registration prevails, a registered voter, "who is personally known to the registration committee, may register any person or persons to the number of not more than three (3) or any member of his family including servants to any number thereof, who reside and have resided at the same address for at least ninety (90) days last past, by signing such name or names on the list and thereafter signing his own name as voucher, in the presence of a majority of the registration committee," and by taking an oath.

²⁰ "Registration . . . shall provide for the enrollment of every [voter] once in ten years and also for an enrollment during each and every year of every elector not previously registered."

system, especially when combined with the personal or direct system, has obvious virtues. It keeps the register from becoming clogged with the names of persons who have died or moved away; and thus it reduces the opportunity for personation and similar frauds. Nevertheless, its effectiveness diminishes with the length of the interval between registrations, a list clearly being open to suspicion after the second year; and outside of definitely rural areas the list will be unreliable from the first if it has been compiled according to the indirect or non-personal method. Here lies the dilemma. Periodic registration has given good results in this country only when applied in a particular form. Yet, when so applied, it reveals serious defects. Annual registration is expensive, costing, in New York City, more than forty-four cents for each person;²¹ still more, the unfortunate voter, already frequently driven to abdication by tasks that lie beyond his limited competence, recoils from the additional burden of personal appearance for registration once every year and perhaps at an inconvenient time.²²

During the past decade expert opinion has been all but unanimous in recommending permanent registration as the best solution. Professor Harris boldly asserted in 1929 that such a system, accompanied by sound methods of administration, had come to be generally accepted as the ideal and was destined to obtain throughout the country.²³ The prophecy seems to be on the way to fulfilment. Conversion has proceeded at a remarkable pace. Of the twelve most populous states all but three have subscribed to the new faith, which

(4) permanent^{22a}

²¹ New York *Times*, December 27, 1937.

²² This point was emphasized by General Butler, more than a century ago, in the New York constitutional convention of 1821. "Thus," he said (Harris, *op. cit.*, p. 70), "men are to be compelled to make two journeys, one to appear before this dread [registering] tribunal, and one at the polls of election—perhaps, in some instances, ten, twelve, or twenty miles, to get one vote! It is said there will be no difficulty in all this. Perhaps some gentlemen will be so much interested as to turn out and bring them to the polls of the election. But will they be willing to turn out twice—once to get their names entered in this great conscription list, and again to appear at the polls? No: they will not come."

^{22a} O. Douglas Weeks, "Permanent Registration of Voters in the United States," *Temple University Law Quarterly*, Vol. XIV (1939), pp. 74-88.

²³ *Op. cit.*, p. 19. It is, he says (p. 30), "the central idea of practically all movements for improvement at the present time." Again (p. 18): "If sound methods are used to purge the registers under a permanent system, the voter identified at the polls, and investigations made when necessary, there need be no fear concerning its effectiveness." He does repeatedly emphasize the need of sound methods.

now may be said to bear the stamp of orthodoxy. Illinois and Ohio are among the latest converts (1941).²⁴ New York may soon take to the sawdust trail. The tendency shows no sign of abating. In a recent report to Mayor La Guardia his commissioner of accounts advocated the permanent system for the metropolis.²⁵ It would entail a saving of some \$500,000 a year. After the original lists had been compiled, less than 25 per cent of the voters would apply for registration each year, these being persons who had lately come of age or moved into the county or become citizens or had their registration cancelled. Being few in number, the new registrants could be served adequately by a central office in each county, open throughout the year, and by assembly-district offices, open for a few days to accommodate a "rush" of applicants. A few efficient registrars and deputies would take the place of fifteen or sixteen thousand inspectors, four to a precinct, who serve for six days a year and receive thirty dollars. The precinct board is bipartisan. Its members are appointed on the recommendation of district leaders who, in turn, take the advice of the election district captains.²⁶ Political patronage of this kind does not make for high standards of capacity or ensure a spirit of honest public service. Under any method of appointment properly qualified

²⁴ Missouri has most complicated arrangements applying to cities and counties in eight different classes. But permanent registration was established in 1933 for cities of 10,000 to 80,000 population, in 1935 for counties of 200,000 to 400,000 population, and in 1937 for cities of the first class.

²⁵ *New York Times*, December 27, 1937.

²⁶ Years ago, when the writer served as election inspector in New York City, he was nominated by the election district captain, but had to qualify by passing an examination conducted by the board of elections. Although he had studied the election law, he found the questions somewhat more searching than college standards had led him to expect. As he sat gazing dubiously at the paper, he heard a voice behind his back and soon discovered that the answers were being dictated for his benefit. No doubt he got a perfect mark. An inspector who served in the same election district and had passed the same examination was so nearly illiterate that he had to be relieved of all clerical work by his colleagues. The exercise of patronage by the party organization is not, of course, peculiar to New York. Custom has entrusted the appointment of precinct inspectors to the spoilsmen. Sometimes the practice is sanctioned by law, especially in the South. In Iowa, where registration occurs only in cities of a certain size, the city committee of each major party submits for each precinct a list of three names, among which the city council makes a "suitable" choice. In Colorado the registration committee consists of three voters. The county chairman of each major party sends to the county clerk a list of three to six names in order of preference, being bound by the recommendations of the precinct committees; and in odd-numbered precincts one party, in even-numbered precincts the other, gets two of the three appointments.

men could not easily be found; for the inspectors must be free from regular occupations—the days of registration not being holidays—and willing to accept a low rate of pay.²⁷

The claim of economy, for permanent registration, seems to be firmly established. "The cost," says Professor Harris,²⁸ "is ordinarily from one-half to one-tenth of that of periodic registration. . . . That the present cost of registration in most cities is excessive, is indicated very strikingly by a comparison of the costs in various cities. The annual cost is usually between fifty cents and one dollar per registered voter, though in Milwaukee it is only 13.7 cents and in some cities even less. The annual cost should not exceed twenty cents per voter, and in small cities and rural sections it should not exceed ten cents. The difference is due primarily to the fact that a house-to-house investigation is unnecessary in the latter." Harris finds that in six cities having annual registration the average cost per registered voter is 71.2 cents and that in six cities having permanent registration it is 29.8 cents.²⁹ If Boston were omitted from the latter group, the cost there being abnormally high (55.4 cents), the average for permanent registration would be cut to 17.4 cents. These figures are, however, more than ten years old. The New York cost (for periodic registration) has been reduced to 44.2 cents.³⁰ Even so, that is 3.7 times Milwaukee's and 2.3 times Detroit's (for permanent registration).

Permanent
system
costs less

Permanent registration does not rest its case upon the factor of economy, which is, after all, an incidental merit. It has shown superiority in achieving three more or less essential ends: (1) in reducing the burden of registration, (2) in increasing the number of

Its other
advantages

²⁷ As in the case of New York, the pay is often higher in large cities than elsewhere in the state—rising to six, eight, and even ten dollars a day. See the table given by Harris, *op. cit.*, p. 142. But the normal rate throughout the country seems to be three or four dollars.

²⁸ *Op. cit.*, pp. 18 and 21. Harris also observes (p. 16): "In many of our large cities the cost ranges from fifty cents to a dollar per registered voter annually, while the cost in cities with permanent registration approximates only about ten cents per registered voter annually. Many of the poorest systems, systems ineffective in preventing frauds, cumbersome and inconvenient to the voter, cost the most, while the least expensive systems are generally the best all round. Periodic registrations, conducted in each precinct by an army of precinct officers, with an entirely new registration every year or so, upon obsolete records with cumbersome procedures, are not only unnecessarily expensive, but often defeat the very end of a sound registration law."

²⁹ *Ibid.*, p. 105.

³⁰ New York Times, December 27, 1937.

registrants, and (3) in curbing frauds. The voter is not required to make a personal appearance before the precinct board every year or two. When once his name has been inscribed on the rolls, he need make no further sacrifice of time unless he moves into another county. One registration in a lifetime may be enough, and the period of registration, instead of being limited to a few days, lasts through most of the year.³¹ Secondly, and as a consequence, a larger proportion of qualified persons appears on the lists. Harris indicates that, as against annual registration, the increase is something like 15 per cent.³² This fact may be of some importance. Nowadays we feel concerned over the problem of nonvoting. If the voter abstains from lethargy and indifference, he may respond to a treatment that simplifies his obligations. The easier it is for him to register, the more likely he is to vote.³³ In the third place, the chief object of registration, which is to prevent fraud, is accomplished more effectively by this system than by the periodic. Permanent registration in Chicago, says Professor Gosnell,³⁴ "has greatly reduced such frauds as repeating, impersonation, and false entries on the poll lists." In Michigan, according to Professor Pollock,³⁵ "there is universal satisfaction among election officials with the new system"; and he asserts "unequivocally" that "the state has benefited greatly." The large cities with permanent registration have devised safe-

³¹ Registration is suspended for a certain period before a primary or other election—for twenty days or a month in most cases, but thirty-nine days in California; forty-five in Montana, and fifty-nine in Kentucky.

³² *Ibid.*, pp. 106-107.

³³ It is true, of course, that a large percentage of registered voters do not take the trouble to vote. James K. Pollock gives some interesting figures for Michigan (*Permanent Registration of Voters in Michigan*, 1937, pp. 5-8): "In other words, after taking the trouble to register, more than one-quarter million of voters [in the area under review], twenty-five per cent of all, did not vote in even one election in the two-year period. One registered voter out of every four was not on duty at any time during this interval. Looked at from the practical viewpoint, this means that any election in the two-year period could have been decided by those who did not take the trouble to vote. Certainly the politician has a fertile field in which to operate." In some cities the abstentions rose above one-third of the registered vote. The figures for New York City appear to be very different. According to T. H. Reed (*Municipal Government in the United States*, rev. ed. 1934, pp. 239-240), 94.3 per cent of the registered voters voted in 1929; 96.5 in 1932; and 92.6 in 1933. It is also interesting to note that only 44.3 per cent of the potential voters appeared upon the register in 1929; 67.7 in 1932; and 66.3 in 1933.

³⁴ *Machine Politics: Chicago Model* (1937), p. 87.

³⁵ *Op. cit.*, pp. 5 and 9.

guards, says Professor Harris;³⁶ "it is significant that fraudulent voting is hardly known in these cities, while a number of cities with annual, biennial, or quadrennial registration are still cursed with voting frauds." Contrary views are sometimes expressed. Commenting on a legislative investigation of fraudulent practices in Hudson county, New Jersey, Russell H. Porter says:³⁷ "It is conceded on both sides that eventual abolition of the permanent registration law would end a great many election evils, not only in Hudson County, but elsewhere in the state." However, such criticisms seem to be exceptional; and they arise in cases where the machine is dominant enough to break down the protective devices of any system established by law.

Why should there be less fraud with permanent than with periodic registration? Theoretically, one might well assume just the opposite and conclude that a ten-year-old list must be far inferior to a list that has been compiled within the past few months. Actually, the permanent system acquires its effectiveness from the methods of administering it. The system and the methods associated with it have been welded into an indissoluble entity. Since registration continues through the year and, after the first occasion, has to deal with relatively few applicants, the horde of precinct inspectors, deficient in experience and capacity, gives way to a small body of competent officials. Connivance with ward politicians is not likely to occur. Again, registration takes place at a central office and at some other points, selected for their convenience and without reference to voting precincts. Afterwards, an alphabetical list giving the signatures of the voters must be prepared for each precinct. It has been necessary, therefore, to discard the large bound volumes, characteristic of precinct registration, in favor of cards or loose-leaf folders. If the

How it
prevents
fraudulent
voting

³⁶ *Op. cit.*, p. 30. Similarly, p. 17: "It is highly significant that in those cities election frauds have practically disappeared, while in other cities with periodic registration frauds are still present."

³⁷ *New York Times*, February 6, 1938. Porter adds that, if a registered voter "dies, moves away, or fails to exercise his franchise, somebody else is apt to vote in his name." Adherents of Mayor Hague "concede there are probably 40,000 to 50,000 names improperly on the books, but they say the Republicans are to blame, since they control the registration commission of Hudson County." An investigating committee, appointed by Governor Earle of Pennsylvania, found that many persons had been disfranchised because of defective records (*Report*, 1938, pp. 3, 19, 27). As to Chicago, Professor Gosnell admits (*op. cit.*, p. 87) that permanent registration "has not solved all problems in connection with fraudulent voting." Regarding Philadelphia and Hudson County see p. 727 *infra*.

registrant signs his name on duplicate cards, the signed affidavit can be furnished to the appropriate precinct without being extracted from the central records. The signature has come to be regarded as an essential feature of the permanent system. When it is compared with a fresh signature made at the polls, it furnishes the best available means of identification, there being a popular prejudice against the use of finger prints. Of course, the registration affidavit usually includes a personal description—age, height, weight, color of hair and eyes, etc.; and the election inspectors might note a discrepancy of six inches in height or fifty pounds in weight. But, unless their suspicions have been awakened otherwise, they are unlikely to detect minor differences. As a result of the signature requirement, impostors are scared off or caught.

Methods
of purging
the register

A permanent list stands in need of almost continuous purging. Measures must be devised to cancel the registration of persons who die or who become disqualified by moving away or losing citizenship or being judged mentally incompetent. Such measures have been standardized as characteristic of the system. According to the Minnesota law of 1939, the officer in charge of death records shall report to the commission (registrars), at least every fifteen days, the name and address of each adult person who has died; and on the basis of such reports the original and duplicate cards of dead persons shall be removed from the file. There are similar provisions to cover the cases of guardianship, insanity, and feeble-mindedness. It is important, of course, to keep track of changes of address. When the new address lies within the same county or city, the voter may have it recorded and remain on the list without personal application.³⁸ Otherwise he must register again. But how can a change of address be discovered without relying upon voluntary information from the voter? Various means have been adopted. When an applicant for registration is already registered outside the county or city, he signs an authorization to cancel the earlier registration; and this document is sent by mail to the appropriate official. In Michigan some cities have relied upon notices of water shut-offs received

³⁸ Thus Minnesota (1939): "Removal notices shall be provided by the commission, which shall be given out upon request, in the case of a registered voter moving to a new location. The form of such notice shall show the voter's last residence, the new residence, and a line for the signature of the voter." This signature shall be compared with that on the original registration card. If the signatures are similar, the change of residence shall be recorded. Otherwise notice shall be sent by postal card that the transfer has not been made. Some 100,000 removals occur in Philadelphia annually. *Senate Report No. 47* (1941), p. 41.

from the water department.³⁹ Commonly, as in Indiana, when the registrar hears that a voter has moved, he may give notice by mail and cancel the registration, unless the voter applies for a continuance within thirty days; or, as in Minnesota, "for the purpose of preventing fraudulent voting and eliminating excess names," he may send notice, "at any time he deems it necessary," to any voter whose name appears on the list.⁴⁰

In fact, the mails afford one of the most effective means of correcting the registers. So do the political parties. Each acts to check the other in any scheme of fraudulent registration or fraudulent voting. It is often provided, though the right would seem to exist without such formal recognition, that individual voters may challenge the appearance of any name on the list.⁴¹ "In large cities," says Harris,⁴² "especially where there is an appreciable danger of frauds, it is necessary to have a house-to-house check up or canvass before important elections. This should be done by responsible officers. It is of no value otherwise." In Michigan "the several township and city clerks may conduct a house-to-house canvass or use such other means of checking the correctness of the registration records as may seem expedient." The "other means" have been preferred.⁴³ Sometimes the police take charge of the canvass (as in Boston and Milwaukee). More often (as in Kentucky and Missouri) two persons

House-to-house canvass; and check on non-voters

³⁹ Pollock, *op. cit.*, p. 3.

⁴⁰ The statute continues: "If there be any mistake in the name or address, the voter should present said notice in person at the office of the commissioner and have the same corrected within the time limited in said notice and upon [*sic*] failure so to do and/or the return of said notice by the post office to the commissioner will be sufficient evidence to justify a challenge of his vote at an election. . . . Upon the return by the post office of any such notice, the commissioner shall direct a deputy or clerk in his office to personally ascertain the name and address of any such voter; and, if such voter is found to have removed from the address recorded in the original registration list, the commissioner shall cause to be entered on the election register . . . the word 'challenged.'"

⁴¹ Thus in Michigan: "Any elector of the municipality may challenge the registration of any registered elector by submitting to the clerk a written affidavit that such elector is not qualified to vote, which affidavit shall specify the grounds upon which the challenged elector is disqualified. Upon receipt of such affidavit the clerk shall mail to the challenged elector at his registered address a notification of the challenge. If the challenged elector fails to appear before the clerk within thirty days and answer the questions and take the oath required of persons challenged on the same grounds at elections, the clerk shall cancel his registration."

⁴² *Op. cit.*, p. 25.

⁴³ James K. Pollock, *Permanent Registration of Voters in Michigan* (1937), p. 3.

are appointed to act in each precinct. Another method of purging the lists is universally employed. Annually or biennially the records are examined; and, when it appears that a registered voter has not voted at any election during the past two years, either his registration is cancelled at once (as in Arizona, California, or Minnesota) or, notice of suspension having been mailed to him, he may apply, within twenty or thirty days, for reinstatement (as in Indiana, Michigan, or Missouri).⁴⁴ Aside from its primary purpose, this arrangement serves to remind the voter of neglected responsibilities and to administer a mild rebuke. It differs only in degree from forms of the so-called compulsory vote. While the penalty for abstention is not a heavy one, it may prove as efficacious as a small fine.

Further
simplifica-
tion pos-
sible

The chief defect in our electoral system has been emphasized from time to time, and particularly in Chapter XXV. The American voter is handicapped by having too heavy a burden imposed upon him. There is no good reason why, in normal circumstances, he should be bothered about registration. The permanent system, as it has evolved latterly, is effective in reducing not only political chicanery, but also the voter's burden. European practice suggests that we might do even better. In Great Britain the registration officer, by a house-to-house canvass "or other sufficient inquiry," finds out each year who should be dropped from the register and who should be added. After the list has been published, he stands ready to hear claims and objections. Even at this stage the voter seldom has to exert himself; the party organizations act on his behalf. In France, though the procedure is different, the voter's rôle is equally passive.

⁴⁴ According to the Minnesota law (1939): "At the close of each calendar year the commissioner shall check the registration list for the purpose of eliminating excess names; and, to that end, shall examine the election registers and whenever it appears that a registered voter has not voted at an election at least once in two consecutive calendar years his card shall be taken from the original and duplicate registration lists and destroyed, and a printed postal card notice of these facts, and that the voter must re-register in order to vote in said district at any ensuing elections, shall be sent to the last known address of said voter."—According to the Indiana law (1933): "During the month of January following each general election the clerk of the circuit court shall examine the registration books of each precinct and shall note the names of all voters who have not voted within a period of two years. The clerk of the circuit court shall send a notice to each such voter, through the mails, to his last known address." The notice says that his registration will be cancelled, unless he applies for reinstatement within thirty days, by signing a statement and returning it to the clerk's office or by appearing in person. In some states the period is four years.

Surely we can simplify the process of registration still further. Eventually we may do something about the primaries and the long ballot, both peculiar to this country.

In most cases, it is true, institutions work better when, instead of being borrowed from abroad, they reflect our own natural response to local conditions. Exotic plants rarely flourish when transplanted: the soil and the climate prove uncongenial. At times, nevertheless, we can learn something from foreign experience, political as well as horticultural.

NOTE ON PERMANENT REGISTRATION IN PHILADELPHIA AND JERSEY CITY (HUDSON COUNTY). A committee of the United States Senate reported in 1941 that there was a conflict of opinion in Philadelphia as to whether the system would be workable under any circumstances; that, according to widespread belief, the register included 200,000 "phantom voters," a fifth of the total; and that this situation resulted partly from failure to record deaths and changes of address, such changes affecting some 100,000 voters every year. There were other abuses. Senate *Report No. 47* (1941), pp. 39-43. In nineteen Jersey City precincts a comparison of poll books and registration books revealed that at least 150 signatures had been forged in 1938 and 254 in 1939. Charges of corruption, however, related chiefly to 1937; and the poll books for that year had been burned. "A strong inference was unavoidable that the destruction of the books was for purposes other than the mere disposal of useless papers." *Ibid.*, p. 72.

Chapter XXVII

THE CONDUCT OF ELECTIONS¹

Early
methods of
voting

The secret Australian ballot, now generally employed in American elections, and its mechanical equivalent, the voting machine, are comparatively recent innovations.² During the colonial period, it is true, vote by ballot prevailed in New England and in Delaware, Pennsylvania, and South Carolina, the ballot being simply a written paper of any kind; and by the middle of the last century printed ballots were used in all but three of the states.³ But the ballot of the seventies and eighties was not an official ballot.⁴ It was printed and distributed by the party committees or candidates, the law going no further than to require the use of white paper and to prescribe, in some cases, a maximum and minimum size.⁵ The voter received the party ticket outside the polling place. Up to the moment of his handing it to the election judge, who put it in the ballot box, he was kept under close observation. He could not "scratch the ticket"—that is, cross out any name and write in another or paste over any name the printed sticker of an independent candidate—without being detected. The lack of secrecy encouraged bribery and intimidation. Moreover, the law set up no adequate safeguards against "floaters," men who went from one district to another, casting ballots in the names of qualified voters ("personation") or voting more than once in the same election ("repeating"). At moments of disorder and confusion, deliberately instigated for the purpose, the

¹ Consult on this subject J. P. Harris, *Election Administration in the United States* (1934). Most of the material for that book, however, was collected in 1929 and 1930.

² The Australian ballot was first used in Kentucky and Massachusetts in 1888; the voting machine, in Lockport, New York, in 1892.

³ Missouri adopted the printed ballot in place of *viva-voce* voting in 1863; Virginia, in 1867; and Kentucky, in 1891. But Kentucky had introduced the Australian ballot for Louisville three years earlier.

⁴ E. C. Evans, *A History of the Australian Ballot System in the United States* (1917), pp. 6-16.

⁵ See, for example, the Alabama law of 1876 in A. C. Ludington, *American Ballot Laws* (1911), p. 12.

ballot box would be stuffed with handfuls of ballots.⁶ The expense involved in printing ballots and in hiring workers to distribute them acted as a bar to independent candidatures. "What we call machine politics," said Henry George, "springs from the cost of elections."

THE AUSTRALIAN BALLOT

The repeated exposure of abuses and growing volume of complaint created a strong sentiment in favor of reform. The Australian ballot—which had been adopted first by Victoria in 1856 and two years later by New South Wales, South Australia, and Tasmania⁷—was advocated as the proper corrective. The Australian ballot is official and secret. It has four essential characteristics: (1) It is printed by public authority and at public expense; (2) it is a blanket ballot, bearing the names of all candidates who have been nominated according to law; (3) it can be obtained only within the polling place and from the officers who conduct the election; and (4) it is marked in the absolute secrecy of the polling booth, folded there to conceal the marks, and publicly deposited in the ballot box.⁸ These are

The Australian ballot: its essential characteristics

⁶ Sometimes tissue-paper or "pudding" ballots were printed. With or without the connivance of the election judges, several of these could be folded together and voted as a single ballot. Occasionally trick ballots were printed, bearing the name and emblem of one party and the names of its opponent's candidates.

⁷ It spread to New Zealand in 1870, Queensland in 1874, and Western Australia in 1877. England adopted it in 1872 and Canada soon afterwards. J. H. Wigmore, *The Australian Ballot System in the Legislation of Various Countries* (2nd ed., 1889).

⁸ Powerful arguments have been levelled against secret voting. In his *Considerations on Representative Government* (1861), John Stuart Mill said: "In any political election, even by universal suffrage (and still more obviously in the case of restricted suffrage), the voter is under an absolute moral obligation to consider the interest of the public, not his private advantage, and give his vote to the best of his judgment, exactly as he would be bound to do if he were the sole voter, and the election depended on him alone. This being admitted, it is at least a *prima facie* consequence, that the duty of voting, like any other public duty, should be performed under the eye and criticism of the public; every one of whom has not only an interest in its performance, but a good title to consider himself wronged if it is performed otherwise than honestly and carefully." Treitschke (*Politics*, II, 198) condemned the "unreasoning and immoral secrecy of the ballot. Its privacy is designed to confer upon weak spirits qualities which they naturally lack. We are fools to prate about the freedom and enlightenment of our age, when we have lost the plainest sense of manly honour. . . . If the exercise of a parliamentary vote is a citizen's highest duty it should be carried out in a form which free and honourable men need not despise, *i.e.* publicly and with full responsibility. No man can have a true sense of political honour who

the essentials. In the detailed specifications, of course, deviations of type occur. In the effort to preserve secrecy and prevent fraud safeguards have been developed which vary in different countries as they do in the different states of the American Union. Sometimes, for example, a detachable, numbered stub serves to prevent the voter from substituting one ballot for another in the polling booth. Sometimes, too, by a method that does not impair the secrecy of the vote or the canvass, means are provided for identifying the ballots of fraudulent voters whenever the validity of an election is attacked. There are also various ways of arranging the names of the candidates. They may be grouped under the appropriate office-titles in alphabetical order or in an order determined by the voting strength of the parties that have nominated them; or they may be segregated in successive columns, each of which takes the form of a party ticket. In the United States the party nominees are usually identified by the name of the party, less often by the party emblem as well; in England or Canada no party designation is permitted. What may be called the normal method of marking the ballot is to place a cross opposite the name of one candidate for each office or opposite the names of two or more if two or more are to be elected to that office. Sometimes, by making a single cross, it is possible to vote a straight party ticket. Under a scheme of proportional representation the voter may be invited to express not only a first choice, but also a second and third choice among the several candidates for election to the same office. In some parts of the country the paper ballot has been discarded in favor of the mechanical ballot. The voting machine seems destined to become an increasingly important factor in American elections.

Its first appearance in the United States, 1888

First among the states, Kentucky enacted an Australian ballot law in February, 1888. This applied only to municipal elections in Louisville, because the constitution prescribed *viva-voce* voting in all state elections. On the Louisville ballot the names of the candidates were grouped in alphabetical order below the title of the appropriate office. Hence came the term "office-group ballot," which is commonly employed to-day. No party designation of any kind followed the names. As in Australia and England, party had no official status. The law took no cognizance of what party conventions

does not feel humiliated when he slinks up to the ballot box and slips his paper in. All the reasons urged in support of secret voting are specious." In his early days William Ewart Gladstone ascribed the fall of Rome to the secrecy of the ballot.

or caucuses might do: all candidates alike secured a place on the ballot by filing a petition with fifty signatures. Nowadays ingenuous reformers, introducing this type of ballot as a remarkable new invention, speak of it as "nonpartisan." But it is the only kind of ballot that has been used in England; and in English elections party lines are drawn more closely than anywhere else in the world. At the present time four states—Florida, Mississippi, Tennessee, and Virginia—exclude party designations in the same way. With them the purpose is, apparently, to confuse the ignorant Negro in his effort to vote the Republican ticket. A very different purpose—the elimination of party politics—explains the spread of the nonpartisan primary and election. This so-called nonpartisan system has been extended to the nomination and election of judicial and local officers in numerous states and to members of the legislature in Minnesota and Nebraska. This development has already been discussed (in the chapters on nominations), and its significance emphasized.

The "non-partisan" ballot

Its significance lies in the fact that the reformers, travelling without sextant or theodolite, have got badly lost. They are moving in a direction quite the opposite to what they imagine it to be. They are destroying the cumbersome direct primary, which they profess to admire, and liberating from statutory restraints the parties, which they seem to regard with suspicion and dislike. In spite of its name the nonpartisan primary is, or tends definitely to become, an election. If it is not an election, why should the law provide, more and more frequently, that any candidate who receives a majority vote is thereby not only nominated but elected? In other cases, it is true, the two highest candidates must stand in a second election; but the second election is simply a means of obviating minority choices (like the *ballottage* in France) and might conceivably be abandoned in favor of a preferential ballot at the first election. In fact, the so-called nonpartisan system, except for its safeguard against minority choices, is the system inaugurated by the English ballot law of 1872 and the Kentucky ballot law of 1888. That all the candidates are brought forward in the nonpartisan primary by petition and that the law deliberately ignores the existence of parties does not prevent each party from reaching an agreement beforehand and concentrating its strength behind certain candidates. Indeed, the parties regain their old voluntary character and break free from the detailed prescriptions of the direct primary laws which now regulate their membership, their organization, and their processes.

Its significance

The nonpartisan features of the ballot used in England and the

The Massachusetts ballot, 1888

English colonies did not suit American conditions. While quite appropriate to the election of a few municipal officers in Louisville, it would have left the voters utterly helpless when faced with the task of filling twenty or thirty offices at a general election. The voters, knowing little about the multitude of candidates, must take the party labels as their guide—substitute party responsibility for their own personal responsibility. When Massachusetts enacted in May, 1888, the first Australian ballot law of general application,⁹ this circumstance was frankly recognized. The law defined party as an organization casting a certain percentage of the aggregate vote and recognized party nominations when certified by the presiding officer of the convention or caucus. It also provided that the name of the candidate should be followed by the name of the party which had nominated him. Independent candidates might also be nominated by petition. The ballot was to be of the office-group type; that is, the names of all candidates were to appear in alphabetical order under the title of the office which they were seeking. Indeed, the "office-group ballot" is equally known as the "Massachusetts ballot."

The Indiana ballot, 1889

Next year, 1889, Montana, Rhode Island, and Wisconsin adopted the office-group type of ballot. Indiana, however, followed a different plan, and one that has been more widely imitated. Upon the Indiana ballot each party has a separate column, just like the ticket of pre-Australian days, the name of each candidate of the party being printed under the appropriate office-title. At the top of the column appear the party name and emblem (the Republican emblem in that state being an eagle; the Democratic, a rooster) and under them a circle. Now, in marking the Massachusetts ballot the voter can vote a straight party ticket only by placing a cross in the square opposite the name of every candidate endorsed by the party; but in marking an Indiana ballot he can vote a straight party ticket by making a single cross in the circle at the head of the party column. The office-group ballot, more generally favored by reformers, encourages independent voting, since a split ticket can be voted as easily as a straight ticket. The party-column ballot, more generally favored by politicians, capitalizes the voter's inertia in favor of party regularity.

Present status of the Australian ballot

The movement that had begun in Kentucky and Massachusetts made rapid headway. Thirty-two states used the Australian ballot in the presidential election of 1892. Since then the number has increased to forty-six. The most recent recruits are: New Mexico

⁹ It did not, however, apply to town elections.

Hambright-
Gardner
Republican
Ballot
1936

U. S. Senator
MARION W. SEABROOK

Representative in Congress
LUTHER E. BLACK

Presidential Electors
FRED. G. DAVIES
D. A. GARDNER
J. BATES GERALD
CHAS. D. BLAYLOCK
J. G. JONES
MRS. MARY J. TEWKESBURY
L. W. GARDNER
J. L. BARRINGER

United States Senator
JOSEPH A. TOLBERT

Representative in Congress
SAMUEL J. LEAPHART

Presidential Electors
J. D. E. MEYER
FREDERICK C. REDFERN
R. R. TOLBERT, JR.
H. A. COSTNER
MRS. ROSALIE McCRAW
H. D. KIRBY
B. J. MIXSON
W. R. HALE

Straight
Tolbert
Republican
Ballot
1936

Straight
Democratic
Ballot
1936

U. S. Senator
JAMES F. BYRNES

Representative in Congress
H. P. FULMER

Presidential Electors
D. C. HEYWARD
Wm. E. GONZALES
ERNEST A. MARVIN
ALEX F. WEIMORTZ
S. H. McGHEE
Wm. P. JACOBS
N. S. RICHARDS
D. M. ELLEN

United States Senator
JOSEPH A. TOLBERT

Representative in Congress
SAMUEL J. LEAPHART

Presidential Electors
D. C. HEYWARD
Wm. E. GONZALES
ERNEST A. MARVIN
ALEX F. WEIMORTZ
S. H. McGHEE
Wm. P. JACOBS
N. S. RICHARDS
D. M. ELLEN

"Hybrid"
Tolbert
Ballot with
Democratic
Electors
thereon
1936

Republican
Ticket
Fourth Con-
gressional
District
1941

Representative in Congress
JAMES D. McCULLOUGH

Presidential Electors
J. BATES GERALD
GEORGE NORWOOD
MRS. JOHN E. MESSERVY
MARION W. SEABROOK
A. M. MORRIS
C. B. RUFFIN
A. N. SIFFORD
W. B. DAUGHTREY

OFFICIAL
STATE BALLOT
SALUDA COUNTY
Saluda

No. 5

STATE BALLOT
Democratic Primary Election,
September 2, 1941
For the Following State Office

For United States Senator
(Vote for one, scratch others)
JOSEPH R. BRYSON
OLIN D. JOHNSTON
BURNET R. MAYBANK

Democratic
Primary
Ballot
1941

SOME SOUTH CAROLINA BALLOTS

All but the 1941 Democratic Primary Ballot (lower right) are examples of the pre-Australian party ballot.

DEMOCRATIC STATE BALLOT

FOR UNITED STATES SENATOR
F. M. SIMMONS

FOR MEMBERS OF CORPORATION
COMMISSION

TERM OF SIX YEARS:

GEORGE P. PELL

TERM OF TWO YEARS:

ALLEN J. MAXWELL

FOR CHIEF JUSTICE OF SUPREME COURT
WALTER CLARK

FOR ASSOCIATE JUSTICES SUPREME COURT
WILLIAM R. ALLEN
PLATT D. WALKER

FOR JUDGE SUPERIOR COURT—THIRD
JUDICIAL DISTRICT
JOHN H. KERR

FOR JUDGE SUPERIOR COURT—FOURTH
JUDICIAL DISTRICT
FRANK A. DANIELS

FOR JUDGE SUPERIOR COURT—SEVENTH
JUDICIAL DISTRICT
THOMAS H. CALVERT

FOR JUDGE SUPERIOR COURT—ELEVENTH
JUDICIAL DISTRICT
HENRY P. LANE

FOR JUDGE SUPERIOR COURT—THIRTEENTH
JUDICIAL DISTRICT
W. J. ADAMS

FOR JUDGE SUPERIOR COURT—FIFTEENTH
JUDICIAL DISTRICT
BENJAMIN FRANKLIN LONG

FOR JUDGE SUPERIOR COURT—SEVENTEENTH
JUDICIAL DISTRICT
T. B. FINLEY

FOR JUDGE SUPERIOR COURT—EIGHTEENTH
JUDICIAL DISTRICT
MICHAEL H. JUSTICE

FOR JUDGE SUPERIOR COURT—NINETEENTH
JUDICIAL DISTRICT
P. A. McELROY

FOR JUDGE SUPERIOR COURT—TWENTIETH
JUDICIAL DISTRICT
T. D. BRYSON

REPUBLICAN STATE BALLOT

FOR UNITED STATES SENATOR
JOHN M. MOREHEAD

FOR MEMBER OF CORPORATION
COMMISSION

JOSEPH J. JENKINS

FOR CHIEF JUSTICE OF SUPREME COURT
WM. P. BYNUM

FOR ASSOCIATE JUSTICES SUPREME COURT
HERBERT F. SEAWELL
HENRY R. STARBUCK

FOR JUDGE SUPERIOR COURT—SEVENTH
JUDICIAL DISTRICT
E. W. TIMBERLAKE

FOR JUDGE SUPERIOR COURT—ELEVENTH
JUDICIAL DISTRICT
DAVID H. BLAIR

FOR JUDGE SUPERIOR COURT—THIRTEENTH
JUDICIAL DISTRICT
JAMES McNEILL JOHNSON

FOR JUDGE SUPERIOR COURT—FIFTEENTH
JUDICIAL DISTRICT
R. T. WEATHERMAN

FOR JUDGE SUPERIOR COURT—SEVENTEENTH
JUDICIAL DISTRICT
FRANK W. HANES

FOR JUDGE SUPERIOR COURT—EIGHTEENTH
JUDICIAL DISTRICT
O. V. F. BLYTHE

FOR JUDGE SUPERIOR COURT—NINETEENTH
JUDICIAL DISTRICT
CHARLES G. LEE

North Carolina Tickets (probably 1918). They were printed by public authority, but were obtainable outside the polling place, as well as inside. There were no polling booths. The North Carolina law was changed in 1929.

(1919), where separate party tickets had previously been printed by public authority and entrusted to the parties for distribution; Tennessee (1921), where the Australian ballot had previously been used only in counties and towns of a certain population; Missouri (1921), where the voter had received and taken to the booth official tickets of the several parties; Georgia (1922),¹⁰ and North Carolina (1929). Formerly, North Carolina lacked the blanket ballot—the public authority printing a separate ballot or ticket for each party—and the booths that are essential to the secrecy of the vote. Delaware has an official blanket ballot and polling booths; moreover, while in the booth the voter must place his ballot in an official envelope, which the election officers have endorsed with their names. But, although the ballots may be obtained in the polling place, they also may be obtained and marked outside. According to the law, the voter may mark his ballot “at any time and in any place.” South Carolina alone has made no approach of any kind towards the Australian system. The law simply requires that there shall be three separate ballots, one for federal offices, one for other offices, and one for measures; that the ballots, written or printed, “shall be of plain white paper and of such width and length” as to contain the names of the candidates or the measures, “clear and even cut, without ornament, designation, mutilation, symbol or mark of any kind whatever”; and that they shall be properly folded and put in the ballot box. The constitutionality of the voting system was tested in 1940. The plaintiffs alleged that secrecy was “grossly violated and destroyed.” After an adverse decision in the federal circuit court of appeals,¹¹ they did not carry the case to the Supreme Court.

Forty-seven states print an official blanket ballot which possesses, except in the case of Delaware, all the four essential characteristics of the Australian system. Four ballot types may be distinguished:

¹⁰ In its existing form the blanket ballot merely presents the various party tickets. There is no provision for splitting a party ticket; but, in fact, the voter may scratch a name and substitute another. In 1940 the Democratic ticket (29 inches long) occupied the whole left side of the ballot; the other four tickets (averaging 6 inches), the right side. Because of Democratic dominance, the Republican party put forward presidential electors only.

¹¹ *Smith, Norwood, et al. v. Blackwell et al.*, 115 F. (2nd) 186. There are no booths. The voter takes a party ticket from one of the piles that lie beside the ballot box, thus making his choice public. “It has been a common practice,” the plaintiffs declared, “for the managers to hand to the voters the ballot of the party in power.” For primaries, curiously enough, the Australian ballot has been prescribed by state law since 1932.

Four different types used: (1) The office-group type

the Massachusetts or office-group ballot, the modified Massachusetts, the Indiana or party-column ballot, and, lastly, the modified Indiana.

(1) The Massachusetts type is found in fifteen states.¹² Variation in form marks the New York ballot, on which the party emblem as well as the party name appears opposite the name of each candidate;¹³ and also the ballots of Florida, Mississippi, Tennessee, and Virginia, on which no party designation of any kind appears. In Tennessee the names of the candidates are arranged in alphabetical order, but in the three states of the Solid South the Democratic nominees can always be identified by the fact that they are given the first position.¹⁴ Elsewhere the names are arranged in alphabetical order or in accordance with the vote cast by the candidate's party in the last election. Less frequently the names are rotated, as in California. To vote a Massachusetts ballot a cross must be placed in the square opposite the name of the candidate selected. Virginia till 1936 prescribed a different method, requiring the voter to draw a line with pen or pencil through the names of the candidates he did not wish to vote for and leave the title of the office and the name or names of the candidates he did wish to vote for unscratched.

(2) The modified office-group type

(2) Pennsylvania is now the only state making use of the modified Massachusetts ballot, Colorado having abandoned it in 1927 and Nebraska in 1933. Modification takes the form of providing an easy way to vote a straight party ticket. At the left of the ballot, labelled "Party Column," appear the names of the various parties offering candidates. "To vote a straight ticket," the voter is instructed, "mark a cross in the square, in the Party Column, opposite the name of the party of your choice" and "to vote for an individual candidate of another party after making a mark in the party square, mark a cross opposite his name."¹⁵ The modified Massachusetts ballot is still less

¹² Arkansas, California, Colorado, Kansas, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New York, Oregon, Tennessee, and Virginia.

¹³ The party emblem to the left of the candidate's name, the party name to the right.

¹⁴ This practice is somewhat disguised in the Virginia law which says that the names shall appear "in due and orderly succession." In Mississippi the matter is "left to the discretion of the officer charged with printing the official ballot."

¹⁵ The former arrangements in Colorado differed in detail. At the head of the ballot appeared the names and emblems of the various parties, followed by blank squares. By putting a cross in one of these squares the voter voted a straight ticket; but he might proceed afterwards to split the ticket by placing crosses in the squares opposite the names of candidates who had been nominated by other parties or by independent groups. Under an earlier law there appeared

The Texas ballot is peculiar in the fact that it has no party circle; a straight ticket may be voted only by running a pen or pencil through all other tickets. The voter splits the ticket by running a line "through the names of such candidates as he shall desire to vote against in the ticket he is voting and by writing the name of the candidate for whom he desires to vote in the blank column and in the space provided for such office; . . . unless the names of the candidates for which he desires to vote appear on the ballot, in which event he shall leave the name not scratched." (4) Three states have the modified Indiana ballot: New Jersey, North Dakota, and Wyoming. This differs from the pure Indiana type in having no party circle. The only way to vote a straight ticket is to place a mark after the name of every candidate in the selected party column.

(4) The
modified
party-
column
type

Cumulative
voting

The Illinois ballot deserves special mention because, in the election of members of the lower house of the state legislature, the principle of the cumulative vote has been adopted. The political antagonism between the northern part of the state, where the Republicans predominated, and the southern part, where the Democrats predominated, suggested the introduction of this system of minority representation some seventy years ago. Three members of the lower house are elected from each senatorial district. The voter has three votes. He may concentrate these upon one candidate (in order to ensure his doing so the minority party may make only one nomination) or distribute them among two or three candidates. By putting a cross in the party circle he gives one vote to each of three candidates if the party has nominated three, one vote and a half to each of two candidates if the party has nominated only two, or three votes to one candidate if only one appears upon the party ticket. His votes are similarly concentrated or distributed when he puts a mark opposite the names of one, two, or three candidates appearing on his own or some other party ticket; and it then makes no difference whether or not he has put a cross in the party circle. The satisfactory working of the cumulative vote requires some arrangement by which each party can limit the number of its candidates; otherwise, because of the voter's disposition to vote a straight ticket and because of the difficulty of persuading him to follow instructions, the strongest party would in most cases secure all three seats. The Illinois law provides, therefore, that each party shall elect a senatorial district committee and that this committee shall determine the number of legislative candidates to be nominated in the

April primary. The cumulative vote is used for the nomination as well as for the election.

The Illinois plan does prevent a party that possesses a numerical superiority of less than three to one from making a clean sweep of all three seats. It does minimize the danger of political cleavage between the Democratic and Republican sections of the state, which single-member constituencies had previously emphasized. But it does not go so far as to allocate representation in strict accordance with the relative strength of parties. Theoretically, no doubt, the legislature should reflect, in proper perspective, the various bodies of opinion in the electorate. This is the chief argument of those who advocate some plan of proportional representation¹⁹—on the continent of Europe the “list plan” and in English-speaking countries the “Hare plan.” Proportional representation is based upon large electoral districts, returning perhaps half a dozen, perhaps ten or fifteen members;²⁰ the larger the district is, the more perfectly the system works. Under the list plan (which may assume many different forms) each party puts forward as many candidates as, with its estimated voting strength, it can hope to elect.²¹ The voter, receiving a blanket ballot, simply marks the ticket of his choice. He may be permitted (as under the existing Belgian law or the defunct

Proportional representation

The list plan

¹⁹ See books entitled *Proportional Representation*, by J. R. Commons (1907), J. H. Humphreys (1911), and C. G. Hoag and G. H. Hallett (1926); Humphreys' *Objections to P. R. Answered* (1939); and Hallett's short *Proportional Representation—The Key to Democracy* (2nd ed., 1940). These books, having been written by enthusiasts, must be read with caution. Among the critics are George Horwill, *Proportional Representation: Its Dangers and Its Defects* (1925), and F. A. Hermens, *Democracy or Anarchy? A Study of Proportional Representation* (1941), the latter especially devastating.

²⁰ Under the Italian law of 1919 the Naples district returned seventeen members; the Turin district, nineteen; and the Milan district, twenty.

²¹ Under the Republic (1920-1933) Germany employed the Baden system of proportional representation. Each party was entitled to one seat for each 60,000 votes that its list received, the size of the Reichstag varying from election to election. After the first assignment of seats in each of thirty-five districts on the basis of this quota of 60,000, the remaining votes were consolidated in unions and, at last, nationally. By this process a party, though unable to secure district representation, might be successful in a union. But national representatives could not be obtained beyond the number of seats previously won in districts and unions. The Baden system had at least one serious defect. Votes were cast solely for a list, no expression of preference for any candidate being allowed. The party committee or machine selected the candidates and fixed their order on the list, thus possessing a dangerously autocratic power.

Italian law of 1919) to put the mark, not at the head of the ticket, but opposite the name of some preferred candidate. This is sometimes called the "double simultaneous vote," for by the single mark the voter has given his support to the party ticket and at the same time expressed his preference either for the candidates of the party in the order in which they appear on the ballot, or for a candidate whom he particularly favors. The candidates at the bottom of the list, no matter what their personal popularity may be, have no chance of being elected if the party vote falls below expectations. Proportional representation of this type spread over a great part of continental Europe during the first quarter of this century. It appealed particularly to the theorists who were prominent in drafting new constitutions after the World War.

The Hare
plan

Under the Hare plan the candidates appear in alphabetical order, without any party designation, under the office-title. The voter marks a first choice and then a second choice and other choices, using numerals 1, 2, 3, 4, etc. If the candidate whom he prefers develops little strength and cannot be elected, the vote is not lost; the second or third choice comes into play. Hence the term "single transferable vote." At the polling place the ballots are sorted, tied in separate bundles according to the first choices expressed, and sent to a central counting station. There the counting officers determine, first, the total number of valid ballots and, secondly, the electoral quota, that is, the smallest number of votes that will certainly entitle a candidate to election. If there were one seat to fill and 10,000 votes cast, then the quota would be 5,001—half the number plus one. The rule is, therefore, to divide the total number of votes by the number of seats to be filled plus one and then to add one to the result of the division. In a six-member constituency, when 140,000 votes have been cast, the quota is 20,001. In the third place, the quota having been found, all candidates whose first-choice votes equal or exceed the quota are awarded seats. The fourth step is to transfer from the successful candidates their surplus votes, the votes they received in excess of the quota. For example, if the quota is 5,001 and Smith has received 6,000, then 999 ballots must be transferred to the candidates marked as second choices. Either the 999 ballots are taken off the top of Smith's pile or else, after all second choices on the 6,000 ballots have been tabulated, it will be found just how many of the 999 should go to each candidate. Experience has shown that where a large number of ballots is involved substantial justice is done by selecting the surplus ballots at random. In the fifth

place, if these added votes have given anyone the quota, he is declared elected and his surplus distributed. Then, if no candidate has the quota, the low man is dropped and his ballots transferred to the next choices indicated on them. This procedure continues until all the seats are filled.

The advocates of proportional representation make out a very persuasive case. They guarantee fairness, justice, and opportunity for every considerable group to make its influence felt according to its numbers. They show how, under the prevailing arrangements, the strongest party carries each district,—even though it may command much less than half the votes,—completely shutting out its opponents; indeed, virtually disfranchising them. They offer a means whereby relatively insignificant groups can exact their legitimate share of representation. No vote is wasted. If, among half a dozen Republican candidates, one proves to be hopelessly out of the running, his ballots are transferred to a second Republican or, again, to a third who thereby reaches the electoral quota. If another candidate, through personal popularity, attracts half or three-quarters of all the Republican votes, he keeps only enough of them to secure his election, passing on the surplus to the aid of his fellow-candidates. The bribery that now occurs in doubtful districts, sometimes determining the result of an election, would disappear under the Hare plan, because the parties would no longer be faced with the alternative of complete victory or complete annihilation through a slight fluctuation of the vote. Americans would get rid of the vexatious direct primary. With the single transferable vote it would make no difference how many candidates came forward in the hope of winning partisan support. No matter how scattered at the outset, Republican or Democratic votes would be made effective in the end.

Advantages of proportional representation

The case for P.R. has been stated persuasively, but almost always by theorists, by men without experience in practical politics. Often enough feeling and argument depend upon selfish motives. Certain French parties favored the reform because, without saying so, they believed it would improve their prospects. Similarly, Ramsay Muir favored it because he wished to arrest the decay of Liberalism and to perpetuate a three-party system in Great Britain.²² "Advocates of changes," says George Horwill,²³ "are seldom conscious of their own underlying motives. They often accept conventional ideas of abstract rights, absorb the common sentiment of the *status quo*, and

Its disadvantages

²² *How Britain Is Governed* (4th ed., 1940), Chapter V.

²³ *Op. cit.*, p. 9.

join in the popular cries of 'justice' and 'freedom' without analysing the vague sentiments which they utter. They advocate changes without calculating the effect on abstract ideas for which they profess love unless and until a crisis arises. The effect is both Gilbertian and tragic. P.R. advocates are falling into this dangerous pitfall. The vague phrases which they think convey fundamental truths are not analysed. 'The rights of minorities,' 'the tyranny of majorities,' 'the necessity for men of ability in Parliament,' and many other such phrases, are used as bases not to be questioned." Horwill then proceeds to explain the practical disadvantages of proportional representation. No one should reach a conclusion in this matter without hearing criticism as well as advocacy. It may be of significance that the peoples who have had the longest experience with self-government are least attracted by the enthusiasm of the advocates. No doubt, the chief complaint against proportional representation is that it tends to create, preserve, and solidify minor groups. In continental Europe this complaint carries less weight; the numerous parties (except the strongest among them) welcome an electoral device that encourages particularism. But where the two-party system prevails there is a tendency to look askance at the Hare plan and regard it as an instrument of disruption. As things stand, agreement among the various sections of a party is reached before the election and submitted to the people; under proportional representation, some contend, the various parties and groups would reach an agreement after the election, as occasion might require it, and secretly, by dubious log-rolling methods. In spite of theoretical objections the existing electoral system is defended on the ground that it commonly gives one party a clear majority in the legislature, permitting the party to take its own line and assume responsibility for what it does.

The Hare
plan in the
United
States

In spite of its attractive appearance, proportional representation has made little progress in English-speaking countries.²⁴ American experiments have been confined to the election of councils or com-

²⁴ As to the various parts of the British Empire, P.R. has been applied in Great Britain to the election of nine university members of Parliament and to Scotch educational authorities; in Eire (formerly known as the Irish Free State), to parliamentary elections; in Australia, to the legislative elections of Tasmania and New South Wales; in New Zealand, to the election of three city councils; in South Africa, to the election of the Senate and the council of East London; in Canada, to the election of the councils of nine western cities and the legislative members of three; in India, to the election of three-fourths of the federal assembly. It has been abolished in Northern Ireland and Malta.

missions in thirteen cities.²⁵ In five of those cities the experiments were halted: by action of the courts in Kalamazoo (Michigan) and Sacramento (California);²⁶ by action of the Connecticut legislature in West Hartford;²⁷ and by popular vote in Ashtabula (Ohio) and Cleveland.²⁸ The defection of Cleveland, with a population of almost a million, was a severe blow to advocates of P.R. Eight cities now have the system: Boulder (Colorado), population 13,000, which adopted it in 1917; Cincinnati, population 453,000, 1924;²⁹ Hamilton (Ohio), population 50,000, 1926; Toledo, population 281,000, 1934; Wheeling (West Virginia), population 61,000, 1935; New York, population 7,380,000, 1937; Yonkers, population 142,000, 1938; and Cambridge, population 111,000, 1940. That P.R. has found such scant favor is not due to its innate defects alone. For one thing, our long ballot stands in the way. P.R. can be applied only to legislative bodies and plural executives; and, since the existing system, or something like it, must be retained in the case of assessors and constables, secretaries of state and governors, the introduction of P.R. would aggravate the complexity of our electoral arrangements. Again, the Hare plan involves an elaborate process of counting the ballots, which may take several days or even several weeks and which may easily be vitiated by deliberate or accidental errors. It is even true that many voters get confused in marking their ballots. Writing in 1926, Professor Rodney L. Mott showed that, on the average, 18.3 per cent of all ballots were rejected as invalid in Boulder (five elections); 7.2 per cent in Ashtabula (six elections).³⁰

²⁵ See Hermens, *op. cit.*, Chapters XLV-XV; Hallett, *op. cit.*, Chapter VI.

²⁶ On constitutional grounds. As to Kalamazoo (50,000 population) in *Wattles v. Upjohn* (1920) and as to Sacramento (65,000) in *People v. Elkins* (1922). In each case the experiment had lasted only two years.

²⁷ On the alleged grounds that the results were unsatisfactory, use of P. R. by any city in the state was prohibited. The law was repealed in 1941.

²⁸ Ashtabula (20,000 population), 1929, after lasting for fourteen years; Cleveland, 1931, after lasting ten years. The vote in Cleveland was 61,448 to 57,931. The chief complaints against P.R. were manipulations and slowness of the count (which took three or four days). Warren Moscow, "Experiences with P.R.," *New York Times*, November 14, 1937.

²⁹ In 1936 a referendum sustained P.R. by only 831 votes.

³⁰ "Invalid Ballots under the Hare System," *American Political Science Review*, Vol. XX (1926), p. 876. His percentages for Cleveland are 7.7 in 1923 and 7.9 in 1925; and for Cincinnati, 3.5 in 1925. Warren Moscow, *New York Times*, November 14, 1937, gives the percentages for Toledo as 3.7 in 1935 and 5.5 in 1937; and for Wheeling as 2 in 1935.

New
York's P.R.
election,
1937

Some incidental disadvantages of P.R. were revealed by the election of November 2, 1937, in New York City. Each of the five boroughs formed a separate election district, being entitled to one seat in the council for every 75,000 valid ballots cast and to one additional seat for a remainder of 50,000 or more. The proportion of invalid ballots was large—14 per cent in Manhattan.⁸¹ Fraud and incompetence marked the count. True, examinations, open only to high-school graduates, were held to determine the appointment of 1,680 canvassers (to receive \$10 a day); but so few Republicans came forward to fill their half of the places that it was necessary to hold two supplementary examinations and even then lower the standards.⁸² In each borough, besides the canvassers, there were two directors at \$30 a day, accountants at \$30, and consultants at \$20. The count proceeded with incredible slowness. It was not completed in the Bronx till November 30 (a few days later than in Queens and Kings), although the board of elections had expected completion within half that time. There were instances of corruption: in the Bronx several canvassers were arrested and several ballot boxes impounded for investigation by the grand jury. Numerous detectives, as well as uniformed policemen, watched the proceedings. Incompetence probably did more harm than corruption. Thus, in Manhattan, after the count had lasted for two weeks, it was discovered that votes had not been transferred when candidates at the bottom of the poll had been dropped,⁸³ and, more than two months later, that on the twenty-sixth count the wrong candidate had been dropped as low man. Perhaps this mistake made no difference in the actual outcome; yet the candidate in question would have been within his rights in demanding a recount of 500,000 ballots at a cost of \$100,000.⁸⁴ The election might further have been attacked as violating the terms of the city charter. According to the charter, a candidate must receive 75,000 votes in order to be elected. In reality the preferences expressed on so many ballots were "exhausted" at an early stage that only six members of the council secured the necessary quota. The other twenty were given seats because, though lacking the quota, they had the highest totals. However, efficiency grew with experience. In the third election (1941), because of much more rapid counting, 1366 canvassers received a fixed sum of \$48 instead of a per

⁸¹ New York Times, November 13, 1937.

⁸³ *Ibid.*, November 17, 1937.

⁸² *Ibid.*, November 4, 1937.

⁸⁴ *Ibid.*, January 21, 1938.

diem allowance (totalling \$80 in 1939).³⁵

The system of preferential voting, to which reference has already been made in connection with the primaries, has not encountered so much opposition. The parties have no reason to fear it, as they apparently fear proportional representation. Instead of giving special encouragement to minorities, it provides a means—perhaps somewhat artificial—of building up a majority in support of the successful candidate. The candidates are grouped alphabetically under each office-title without party designations of any kind. The voter expresses his first preference by placing a cross in the first of three columns opposite the name of one candidate; his second choice is marked in the second column; any number of third choices in the third column; but each preference must be expressed for a different person. That candidate wins who has a majority of all the first choices; or, failing that, a majority of the combined first and second choices; or, finally, the largest number of all choices. This is the “Bucklin plan,” originating in Grand Junction, Colorado. Various other methods of counting ballots have been employed. According to the “Ware plan,” if no one has a majority of first-choice votes, the low man is dropped and his ballots assigned to the second-choice candidates. This procedure continues until some candidate secures a majority. Thus, the Bucklin plan gives the voter several votes, all of which will be counted if no candidate has a majority of first-choice votes or of combined first-choice and second-choice votes. The Ware plan makes use of the single transferable vote, the transfer occurring whenever (as the low man is dropped) the vote would otherwise be wasted. Occasionally a different weight is given to successive choices; for example, the first choice may count as one vote, the second as half a vote, and the third as a third of a vote.

Preferential voting

Twenty or thirty years ago the preferential system enjoyed great popularity. It was used for a time in the primaries of ten states, as a means of escaping minority nominations, but eventually abandoned.³⁶ Otherwise its use has been confined to municipal elections, as a means of getting rid of the expensive primary. It made its first appearance in Grand Junction, Colorado, thirty years ago and spread to sixty or seventy other cities, some of them places of considerable size (like San Francisco, Newark, Jersey City, Denver, and

Its progress in the United States

³⁵ *Ibid.*, November 6, 1941.

³⁶ Alabama, Florida, Idaho, Indiana, Louisiana, Minnesota, North Dakota, Oklahoma, Washington, and Wisconsin. See Chapter XIX.

Toledo) and half of them in New Jersey.⁸⁷ The preferential system aims chiefly at securing elections by absolute majority. It has two other marked advantages. In the first place, notwithstanding the fact that the majority may scatter their votes among several candidates, who represent substantially the same policies or interests, and that the minority may concentrate their votes on one candidate, the majority is likely to win; for the counting of second and third choices will bring about a concentration. In the second place, the direct primary can be abolished. Precisely as in the case of proportional representation, there is no necessity of limiting the number of candidates, of securing before election day some agreement within each party or between different shades of nonpartisan opinion as to the support of a single candidate. The process of elimination is accomplished through the expression of successive preferences. Or at least it would be accomplished if the voters always expressed such preferences. Unfortunately, experience has shown that many voters mark only a first choice. They do so either through inertia, or because they find no alternative candidate who suits them, or because they see a decided advantage in concerted abstention. It is clear that, under the Bucklin plan, if A receives 100 first-choice votes, B 75, and C 50; and if A's ballots yield no second choices, while B's and C's yield 76 for A, A will be elected; and it is equally clear that he would not have been elected, at that stage anyway, if his supporters had marked a second preference for B or C. The Bucklin plan lends itself to manipulation. Several of the larger cities—Cleveland, San Francisco, Toledo—abandoned the plan largely because so few voters expressed second or third choices and because, as a consequence, a mere plurality of first choices almost always determined the result.

MINOR VARIATIONS IN THE BALLOT

Detachable
stubs

While all Australian ballots possess certain common characteristics, they vary a good deal in detailed arrangements, as when the office-group type is used for the purposes of proportional representation or preferential voting. All are official; they are printed by public authority. In three-fourths of the states an official endorsement appears on the back of the ballot in such a position that it will be in

⁸⁷ With one exception these cities adopted the Bucklin plan, which most trained observers regard as distinctly inferior to the Ware plan. Marquette, Michigan, used (1918-1933) the highly complicated Nansen plan.

full view when the ballot is properly folded for voting. Thus, on the back of a Massachusetts ballot we read: "State Election, Tuesday, November 8, 1938. Official Ballot. Lynn, Ward 4, Precinct 2," this being followed by the facsimile signature of the secretary of the commonwealth. The official endorsement does not, however, prevent ballots from being stolen; and the theft of a single ballot opens the way to the "Tasmanian dodge" or "endless chain." The vote-buyer marks the stolen ballot and the vote-seller substitutes it, in the polling booth, for the ballot that he received from the election inspector. The blank ballot, constituting proof that the corrupt bargain has been fulfilled, passes into the hands of the vote-buyer, who repeats his former proceeding. The best safeguard against the "Tasmanian dodge" is the detachable, numbered stub, for which more than half the states provide. The stubs are numbered consecutively. When the voter receives a ballot, the number is set opposite his name in the register; when he returns the ballot, a comparison of register and stub will show whether the right ballot is being voted. The stub is detached before the ballot is put in the box. Occasionally—as in Colorado and Oregon—the ballot has two stubs. The main stub, which bears the consecutive number of the ballot, accounts for the use of the ballot; the secondary stub serves to identify the ballot before it is voted. In those states which do not use the detachable stub an unsatisfactory alternative is found in the requirement that one or more of the election judges shall write his name or initials on the back of the ballot before it is handed to the voter.

The numbered stub affords a guarantee against substitution; at the same time, having been detached, it does not betray the identity of the voter when the ballot is being counted. But should there not be some means of determining what ballot a particular person voted? If the validity of the election is attacked because of personation, false registration, or bribery, should not the tainted ballots be identified and thrown out? In a few of the states this can be done. Till 1941 in Nevada, ballot and stub bore the same number; and, since this number appeared opposite the voter's name in the register, a means of identification was provided. Somewhat similar arrangements are still encountered. Thus, the Texas ballot has no stub; but, when it is delivered for voting, the election judges inscribe the consecutive number on its back and in the poll book. In Missouri, ballot and stub bear the same number. On the stub, which is afterwards preserved in the stub-book, the voter's registered number is written; on the back of the

Means of
identifying
tainted bal-
lots

ballot its number in the order in which it has been received, this number being also entered in the poll book. Thus, a double means of identification is provided. The Colorado ballot has a black square in the upper left-hand corner. An election judge writes on the reverse side of the square the consecutive number of the ballot, which likewise appears in the register, and then turns and pastes down the corner, so that the number becomes invisible. The black sticker may not be removed and the number thereby revealed except in the case of a contested election. Under the Colorado plan—adopted by Missouri in 1941—identification at the time of the count by some one who has made a note of the voter's number is impossible.³⁸

Sample
ballots

Although the Australian ballot is "official" and can be obtained only inside the polling place, this does not preclude the printing and distribution of facsimiles. In view of the portentous size of the American ballot it is, indeed, very desirable that the voter should have an opportunity of studying it. He does not get that opportunity in the polling booth. If any other voters are waiting for admission to the booth, he must mark his ballot within a stated number of minutes, usually five. Within such a short period he can give little thought to the selection of twenty or thirty candidates. Unless he is already familiar with the ballot, he may even become confused in the mechanical act of marking crosses. Three states—California, New Jersey, and South Dakota—provide that a sample ballot shall be mailed to every registered voter in advance of the election. A few other states furnish sample ballots upon application. Thus, in Oregon the county clerk before election day and the precinct judges on election day shall supply applicants with such ballots "in reasonable quantities." The newspapers, of course, can be used as a medium of publicity. In Wisconsin the county or city clerk is required to publish twice in at least two papers a facsimile of the ballot or, if voting machines are used, a diagram showing the ballot that appears on the face of the machines, together with instructions for the voter.

³⁸ In 1935 Arkansas adopted a system of duplicate ballots. The voter receives two identical ballots, held together at the top by a perforated paper, a carbon being placed between them. Thus he marks both simultaneously. Afterwards he affixes his signature on the carbon copy. In case of a contest the duplicate ballots may be taken from a sealed box and examined in court. This system deters corrupt election officials from tampering with ballots and making false returns. When it was first used, and, therefore, unfamiliar, some voters were so careless in aligning original and duplicate that, on the latter, their marks appeared opposite the wrong names.

In Iowa only one publication in two newspapers is required. Most of the states do not provide, however, either for publication or for general distribution of sample ballots. As a rule ten or twelve sample ballots are sent to each polling place, one to be posted in each booth, the others to be prominently displayed on the walls of the room. Sample ballots are described as such in bold-faced type and are further distinguished from the official ballots by being printed on paper of a different color.

The Australian ballot is a blanket ballot in the sense that all candidates duly nominated for a particular office are given a place upon it. But the term "blanket ballot" does not imply the use of only one ballot at a general election. There might be a separate ballot for each office. The states have not developed a common practice. Some, like Colorado and New Jersey, put everything on one ballot—candidates for all offices, measures of all kinds. Others qualify this arrangement by providing a separate ballot for presidential electors or for constitutional amendments and other measures. New York, Wisconsin, and Minnesota use five ballots. In New York all have the same color. In Wisconsin three are white, one blue, one pink. Minnesota has a white ballot for state-wide offices, a pink ballot for state-wide measures, a red ballot for city offices and city measures, a lavender ballot for city charters or charter amendments, and a blue ballot for all other offices and measures; and ballot boxes of corresponding colors, with appropriate labels. The number of separate ballots and boxes mounts to seven in North Carolina and Vermont.³⁹ Perhaps, as the voter carries his interesting collection into the polling booth, he may dimly realize what a grotesque imposture the theory of democratic competence, thus exaggerated, has become. He has little time for speculation, however. All the ballots must be marked within the space of five minutes.

The use of
separate
ballots

THE VOTING MACHINE ⁴⁰

Whatever safeguards may be devised, the Australian ballot can never be quite immune from manipulation. "It is well known by

³⁹ In Vermont for presidential electors, congressmen, U.S. senators, state officers, county officers, justices of the peace, and members of the general assembly. Four of the ballots are white; the others are yellow, blue, and red. North Carolina does not deviate from white.

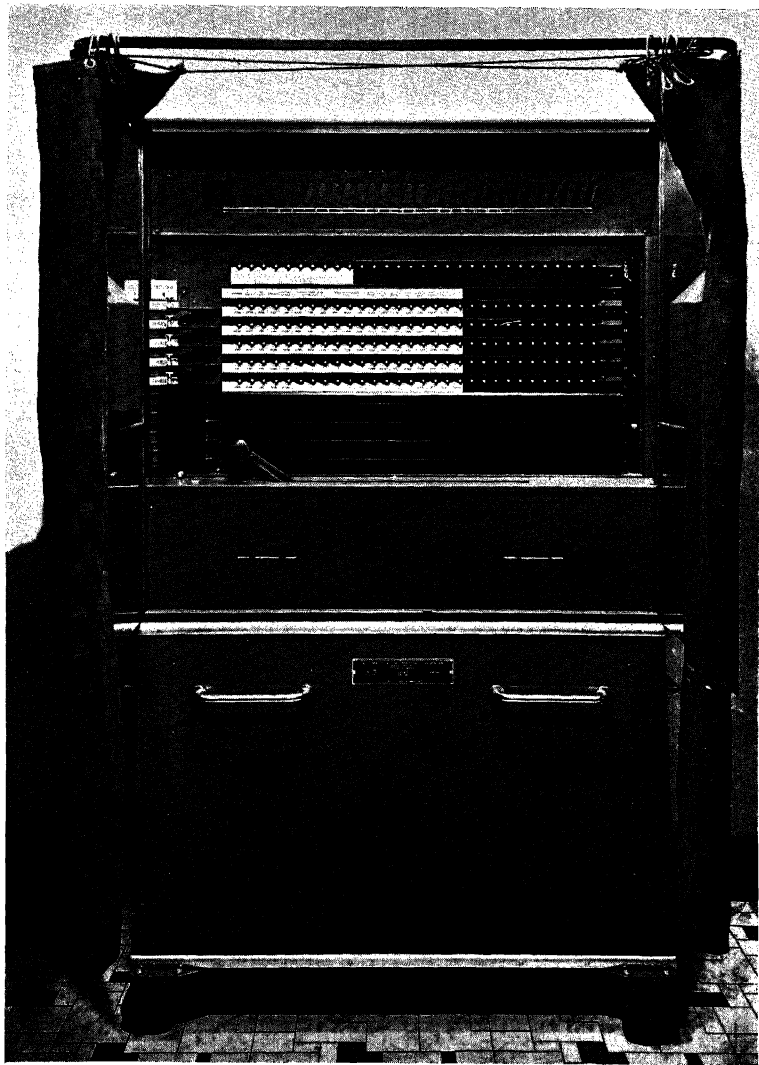
⁴⁰ My data come from laws, reports, correspondence with many officials, and J. P. Harris, *Election Administration* (1934), Chapter VII.

How the
voting
machine
works

those who have conducted elections," said J. H. Zemansky, registrar of elections in San Francisco,⁴¹ "that, with the paper ballot, a free ballot, a secret ballot, a fair count, or an honest election can be secured only on rare occasions, when conditions are favorable and large sums of money paid to persons to watch the count." As compared with the paper ballot, the voting machine has many points of superiority. It does not, of course, eliminate all forms of fraud. It offers no guarantee against false registration or personation. If there is collusion among the election inspectors, the machine may be tampered with before the opening of the polls and votes cast for particular candidates in imitation of the practice of ballot-box stuffing. But otherwise each vote will be recorded as secretly as it is cast and the totals for each candidate registered inside the machine, where they cannot be seen till the polls are closed and the hidden counters inspected. Complicated as the mechanism may be, the actual process of voting is simple enough. As the voter enters the booth and closes the curtain behind him, the machine is automatically unlocked for his use. Its face takes the form of a ballot, bearing the office-titles, the names of the candidates, and the party designations. Above each name is a lever; by pulling it down the voter indicates his desire to vote for that candidate. An interlocking device makes it impossible for him to vote for more than one candidate under the same office-title. If, upon reconsideration, he desires to change his vote, he may do so; for it is only when he leaves the booth, opening the curtain to do so, that the votes are all recorded, the levers brought back to their normal position, and the machine relocked. At the time of recording a vote for any candidate the machine also adds it to the total that appears on his "counter." The counter compartment is concealed by plates. At the close of the polls these are unlocked by two keys (each of a different pattern and each held by the central board of elections) and the results of the election read off the counters. Of course, the machines are not all of the same type; and a machine may be modified to suit the requirements of the office-group or party-column ballot, with or without facilities for voting a straight ticket. A machine has now been devised to meet the simpler needs of proportional representation.⁴²

⁴¹ *Transactions of the Commonwealth Club of California*, Vol. XVII (1922), p. 385.

⁴² See the letter of the president of the board of elections, New York City, to the manufacturing company. *New York Times*, November 27, 1937. "This device," according to the *Times* of November 14, "stamps on a card the code



(Courtesy of the Automatic Voting Machine Corporation, Jamestown, N.Y.)

FULL VIEW OF A MODERN VOTING MACHINE

The voting machine possesses certain incontestable merits: (1) It surrounds the voter with absolute secrecy. There is no possible way of finding out how he voted. His ballot cannot be marked for identification, because there is no ballot except on the face of the machine. (2) Nor can he cast a void or defective ballot; the machine will prevent his doing so.⁴³ Through ignorance, however, he may put up the levers before his vote has been recorded, and thus altogether fail to cast a vote. (3) The act of voting takes less time. With paper ballots, the voter is commonly allowed five minutes in the booth; with machines, the time is reduced to one, two, or (at most) three minutes.⁴⁴ Wisconsin allows a "reasonable" time, not less than one minute. It is doubtful, however, if two minutes really suffice when the voter has before him so many offices and measures. The limitation induces something akin to panic. The voter pulls a few levers and leaves the machine without completing his task. This happens even in Seattle where machines have been used for more than twenty years. (4) The count is automatic and continuous. The returns for each election district are known a few minutes after the closing of the polls; for the county or city, an hour or two later.⁴⁵ The complete returns for Buffalo, second largest city of New York, have been published in a newspaper within one hour.⁴⁶ (5) The machine counts accurately, just like any cash register; and, being locked and sealed after the totals have been read off, it preserves the record for future reference in case of an election contest. The accuracy of the count is a vital matter. With the paper ballot all sorts of abuses develop at this point; not only do the counting officers grow tired and careless as their work continues hour after hour, but the vote for one candi-

Its advantages over the paper ballot

numbers of the various candidates in the order of the voter's preference, and later the cards are put through a sorting machine similar to those used by the Social Security Board and other keepers of complicated records. This speeds the count." Let us hope so. Without machines it took one month to complete the count for the New York City council in 1937; over a week in 1941! But no such machines are likely to be used. The cost of providing them for a limited purpose would be prohibitive; and P.R. may soon vanish.

⁴³ Many paper ballots are voted incorrectly. As to the primary of 1940, a Brookline committee reported that in some precincts "probably" half the ballots were defective. In the election of the council (1941), some 16 per cent of the ballots cast in New York City were invalid or blank.

⁴⁴ Three minutes in four states (Indiana, Minnesota, New York, and Pennsylvania); five minutes in one state (Florida).

⁴⁵ For San Francisco, three hours normally; for New York City in 1940 (more than 3,390,000 voters) within two hours.

⁴⁶ T. D. Zukerman, *The Voting Machine* (1925), p. 51.

date may be attributed deliberately to another by the election judge who handles the ballots or entered opposite the wrong name on the tally sheets by other judges; or, again, ballots may be voided by the surreptitious use of a lead pencil.⁴⁷ (6) In election contests (controverted elections), when paper ballots have been used, the recount may occupy weeks and involve heavy expense; but, in the case of machines, nothing more is required than an inspection of the counters and a tabulation of their figures. Unfortunately, the machine cannot reveal how any individual voted; the record must stand as a whole. In one sense this is an advantage: it places emphasis upon improving the system of registration and selecting precinct officials who are competent and honest. (7) It is claimed that the use of machines effects a considerable saving of public money.

Does it reduce the cost of elections?

An analysis of the cost of conducting elections supports this claim. Thus, taking figures of 1936, the cost per vote in Iowa averaged 32 cents for counties that used paper ballots and 16 cents for counties that used machines. Data covering the past thirty years show that machines cut down expenses substantially. It was estimated, in 1925, that New York City would save \$383,000 a year by introducing machines, a sum that would pay for the machines in less than six years.⁴⁸ How are such economies realized? The number of election districts (and therefore the outlay for polling places) can be reduced; the actual reduction, it is said, amounted to 40 per cent in Seattle; 34 in Binghamton, New York; and 26 in Yonkers.⁴⁹ There is a saving in salaries, not only because fewer paid officials are needed,⁵⁰ but also because they serve for shorter hours, the machine relieving them of the whole burden of the count. No official ballots need be printed except for the face of the

⁴⁷ Machines eliminate such forms of fraud. Hence, quite apart from their other advantages (as in cutting the cost of elections), they are introduced sometimes to correct flagrant abuses. The legislature of New Jersey had that purpose when it required the use of machines in Hudson county (Jersey City). Desperate resistance on the part of Mayor Hague betrayed his fear of this mechanized blitzkrieg.

⁴⁸ Zukerman, *op. cit.*, pp. 61-62.

⁴⁹ *Ibid.*, p. 59. On the other hand, Harris maintains (*op. cit.*, p. 265) that the use of paper ballots does not preclude large precincts, since additional booths can be provided cheaply, and that some of the largest precincts are found in Massachusetts.

⁵⁰ The number of officials is commonly reduced by at least a third: in Maryland and Wisconsin from 5 to 3; in New York from 6 to 4; in San Francisco from 6 to 3. The saving at an election in San Francisco is \$25,000.

machine.⁵¹ Recounts involve little expense either of time or money.

The extent of the saving varies somewhat with the locality. In Buffalo, where machines have been used since 1903, experience indicates that they pay for themselves in about seven years. In Seattle, where they have been used since 1918, the saving is said to be "very slight."⁵² Professor Harris takes the latter view generally; and he believes that the advantage is more than offset by the cost of the machines.⁵³ That cost runs from \$850 to \$1350.⁵⁴ It would be fair, Harris thinks, to allow 10 per cent annually for interest, depreciation, and obsolescence. His percentage seems much too high. What is a machine's expectation of life? "Almost indefinite," according to the report of a Brookline committee; "at least twenty-five years," according to the Buffalo board of elections. Some machines have survived forty years of use. In the absence of any authorized calculation, this may be said tentatively: that, when machines, instead of paper ballots, are used twice a year, the normal savings will extinguish their cost within a decade and that the overhead for the next fifteen years will be negligible.

It seems strange that, with all these manifest advantages, the voting machine should not have become in the polling place as common a feature as the cash register in the retail store. How far it still is from supplanting the paper ballot will appear from a cursory review of legislation and practice in the several states. The laws, it should be observed, are optional; that is, they merely authorize the county or city to adopt any voting machine that complies with certain specifications and has been approved by some central authority such as the secretary of state or an *ad hoc* commission. Mandatory provisions are found in seven states only, applying to counties of the first class in Ohio and New Jersey (Essex and Hudson), counties having a city of 36,000 population in Indiana, towns and cities of 10,000 in Connecticut, Baltimore in Maryland, New Orleans in Louisiana, and the whole state of New York.⁵⁵ It was New York that first, in 1892, authorized

The extent
of its use

⁵¹ As against this economy one must note that the machines involve expenditures for drayage, storage, and insurance.

⁵² These statements were supplied officially late in 1941.

⁵³ *Op. cit.*, p. 281. He finds (p. 271) that in New York City the cost per vote was the same in 1924 (only paper ballots) and 1930 (only machines).

⁵⁴ Rhode Island bought 709 machines at \$850 each; New York City, 5,025 at an average of \$890; Dallas, 50 at \$900; San Francisco, 1,335 at an average of \$1,310; Los Angeles, 150 at an average of \$1,355 (freight, etc. included). On two large orders a price just under \$1,200 was bid in 1940.

⁵⁵ New York City resisted the mandatory introduction of machines until the

the use of machines. Within the next thirty years twenty-three other states fell in line, although five of them subsequently withdrew permission. At the present time (1942) twenty-six states permit or require the adoption of voting machines.⁵⁶ In four of them machines are used not at all; ⁵⁷ in twelve, only here and there.⁵⁸ But in the other ten they have supplanted the paper ballot through the state or so widely as to suggest—especially in the light of recent progress—complete dominance in the future. This is the extent of their conquests: New York and Rhode Island, all precincts; Connecticut, 56 of 169 towns, including all populous areas; Pennsylvania, the chief cities and a majority of the counties; New Jersey, half the precincts (Bergen, Essex, Hudson, and Union counties); Indiana, almost half the precincts; Iowa, 30 of 99 counties, including six of the seven cities with a population over 30,000; Michigan, Ohio, and Washington, a few large cities (Grand Rapids, Seattle, Tacoma) and numerous small towns. Perhaps it may be said that 20 per cent of all votes are now recorded by machines and that the percentage will steadily increase.

Objections
to the
voting
machine

In eight or ten states the paper ballot has been put on the defensive; its survival is at stake. The voting machine, widely used and thoroughly tested, seems to have given ample proof of its adequacy. It is most highly praised where its performance is best known. Thus, at Grand Rapids it has given "such satisfaction" that a return to the paper ballot is "unthinkable"; and at Des Moines "nothing would

secretary of state was upheld by the courts in contracting for machines on behalf of the city. In 1926 machines supplanted paper ballots in 616 of 3,136 precincts. They gave general satisfaction. (*New York Times*, November 3, 1926). By 1929 they appeared in all precincts. Rural communities held back on account of expense—790 of the state's 9,870 election districts in 1935. A law of that year required installation of machines everywhere for the general election of 1938.

⁵⁶ The 22 states which do not authorize the use of machines are: Arkansas, Colorado, Maine, Nebraska, New Hampshire, Oregon, Utah, Kentucky, Delaware, Idaho, Mississippi, Missouri, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Vermont, West Virginia, Wyoming. Of these the first seven formerly had permissive statutes; a Kentucky statute of 1938 was held unconstitutional.

⁵⁷ The four are: Georgia, Illinois, Kansas, and Virginia.

⁵⁸ Arizona, one county; Ohio, counties of the first class; Alabama, two counties; Tennessee, three counties; California, San Francisco; Louisiana, New Orleans; Maryland, Baltimore and Montgomery county; Massachusetts, Brookline; Minnesota, Duluth and St. Paul; Montana, Butte; Texas, Dallas, Houston, and San Antonio; Wisconsin, a few of the smaller cities.

induce us to go back to the old method." Why, then, does the old method persist in most parts of the country? Corrupt politicians cling to it. Official inertia acts as a barrier to any change of settled habits. The average voter not only recoils from the unfamiliar, but also entertains dark suspicions of a mechanical contrivance whose processes are hidden from the eye.⁵⁹ He may believe that the election judges, when not under observation, pull a few levers. He overlooks the fact that, under the old system, paper ballots may be tampered with, the ballot box stuffed, the count falsified; that the machine performs its task with unerring precision; and that, unless election judges and watchers are in collusion, it obviates corrupt manipulation. He is right on one point, however. The technique of mechanical voting is more complicated and necessitates a certain amount of preliminary instruction.⁶⁰ It is sometimes said that they cause congestion at the polls, that their inadequacy appears during the rush periods of the day, when voters must stand in line or else go home without voting. But such congestion occurs frequently when paper ballots are used, even though it would be cheaper to set up more booths than to provide an additional machine; and marking a paper ballot takes more time than pulling levers.

The machine has occasionally suffered in prestige through no fault of its own. The precinct may be too large. The time allowed for voting may be too short. With regard to the Chicago election of 1912, the court held that, though an intelligent person might, the average voter could not "understandingly" vote a split ticket on the machine within the legal limit of one minute. What killed the machine in Illinois, however, seems to have been the disclosures of a legislative investigation in 1913—an alleged bribe of \$200,000 to swing a contract

⁵⁹ "The main difficulty with the machine is that so many voters feel that something is wrong with it. They make complaints to headquarters. It is necessary to investigate all complaints; but our experience is that only about ten per cent of them are well-founded." Letter of September 26, 1941, from Mr. Roy Erford, superintendent of elections at Seattle.

⁶⁰ "There can be no question whatever that the voting machine requires a great deal more instruction to voters than the paper ballots, even in communities where the machines have been used for years. During a visit to Indianapolis in 1929, which has used machines for twenty-five years, the writer was very much impressed to find lengthy instructions to voters on 'How to use a Voting Machine' carried in the news columns of the local papers ten days before the election, with a list of the eleven places throughout the city where practice machines had been set up." Harris, *op. cit.*, p. 273.

for the purchase of machines. The long ballot has been a source of difficulty. Los Angeles returned to paper ballots in 1932 because of the plethora of candidates for nomination, as many as 1733 having appeared in one primary; Portland, Oregon, did likewise in 1928, and for a similar reason.⁶¹ Again, the legislatures are constantly tinkering with the election laws, constantly introducing novelties rather than improvements. Such changes, subjecting the machine to a serious handicap, have led to its abandonment on several occasions—some thirty years ago in Wisconsin (Milwaukee and other large cities) and Minnesota (Minneapolis, for example).⁶²

The machine has been criticized on two other grounds—its original cost and its liability to break down while in use. A generation ago, in the period of mechanical experiment, troubles did occur.⁶³ They are now, as Harris says, “extremely uncommon.” Seldom do mechanical defects appear. In Indianapolis, where some of the machines have given more than thirty years of service, upkeep of each machine has averaged about \$9 annually; in San Francisco repairs have cost not over \$20 in the past ten years; in Buffalo, not over \$25 a year for all 398 machines. As to the cost of equipment, the annual savings will take care of it. Duluth has made an arrangement to purchase ten machines a year for twelve years and in the meantime to have all precincts equipped at a merely nominal rent. In the thirteenth year the city will own 120 machines, their whole cost having been defrayed by annual savings.⁶⁴ The manufacturers say that the machines will function for fifty years or until obsolete.

⁶¹ “The next election was the regular state, county, and city election. Our city officers are nominated by petition; and any number may run. We also had a first, second, and third choice system at that time. With this complication added, it was decided not to try the machines again.” Letter of November 12, 1941, from Mr. Harry E. Cowgill, supervisor of elections.

⁶² Minnesota required the printing of paper ballots, so that a voter might use them if he preferred that method of voting or if he could not gain immediate access to the machine. This hybrid system proved both expensive and confusing. Wisconsin prescribed the use of paper ballots for certain purposes.

⁶³ As late as 1927 in New York City (*Times*, November 9). “A few of the machines were out of commission before the voting began. Others broke down because levers were pulled too hard or pulled in the wrong direction.” They were speedily repaired. A Tennessee official tells me (September, 1941) that he has heard only one criticism; electrically operated machines sometimes break down or blow a fuse.

⁶⁴ For this and much other information I am indebted to Mr. C. D. Jeronimus, commissioner of registration, November 18, 1941.

POLLING PLACES AND ELECTION BOARDS

In each election district or precinct—an area created solely for the convenience of voters—there is a polling place. Until the close of the eighteenth century, and still later in Delaware and Virginia, the town in New England and the county elsewhere formed the electoral unit; and a freeholder might have to ride thirty or forty miles to cast his vote at the county court house.⁶⁵ Nowadays, with a polling place for every four or five hundred voters,⁶⁶ the distances are negligible, even in rural districts. Voting has been made easy. We can hardly sympathize with men who make loud complaint if, at a period of congestion, they cannot obtain immediate access to the booth and must stand in line for a few moments. They do not complain of a long delay outside the Polo Grounds.

The precinct or election district

Twenty or thirty years ago, contrary to the practice in Europe, public buildings were rarely used as polling places.⁶⁷ The county board, or whatever public authority might be in charge, rented appropriate quarters. The actual selection, however, often rested with the precinct committeeman. Thus, in New York City an understanding developed, according to which the Democrats had the disposal of this patronage in all odd-numbered election districts; the Republicans, in all even-numbered districts. The city paid \$60 for the use of a room during the four days of registration, the day of the primary, and the day of the election. The election district captain might reward a faithful adherent by designating his barber shop or tailor shop; or he might extort ten or even twenty-five dollars from the shopkeeper in the way of graft.⁶⁸ In any event he showed

Use of public buildings

⁶⁵ G. D. Luetscher, *Early Political Machinery in the United States* (1903), pp. 26-30.

⁶⁶ For a description of the precinct see Chapter XV, p. 398.

⁶⁷ Worcester, Massachusetts, was a notable exception. There public buildings had been used since the eighties. Boston and Los Angeles adopted the practice after the close of the first decade of this century; and at about the same time a few Western communities began to experiment with the use of schoolhouses.

⁶⁸ See *Report* of the commissioner of accounts, September 4, 1915. A barber gives the following testimony (pp. 35-36): "He says, 'Well, Mr. —, you want to have the polling places for election?' I says, 'Yes, why not?' He says, 'If you want to have the polling place in your place, then it is worth for you to pay the money—you take the money and you pay to me.' I told him, 'Why should I give you all the money?' He says 'Because I give to the club.' Then he told me, 'All right, I make you for \$25. You give me \$25 and the rest is for you.' . . . He says, 'Give me now \$15 and the \$10 you give me the day of election.'" This

no concern over the dinginess or inadequacy or inconvenience of the room he selected. According to a report of the commissioner of accounts,⁶⁹ the party workers sought "to distribute patronage of over \$125,000 annually where it will do the organizations most good." In recent years the practice in most of the states has undergone a marked change. The election law sometimes makes the use of public buildings mandatory. Thus, in Michigan cities the polling places must be located "in school houses, police stations, or other permanent structures owned and controlled by the municipality, wherever such buildings are so located as to be convenient for the electors in such precincts and wherever there is space in such buildings which may properly be utilized for the purpose of polling places"; and in New York, if such a building is not designated, then the board of elections must enter in its minutes a statement of the reason.⁷⁰ Sometimes, as in New Jersey and Wyoming, the law is merely permissive.⁷¹ Many Californian municipalities, favored by a mild and dry climate, erect tents, with wooden flooring, in the streets.⁷² Fifteen years ago the Los Angeles City Club advanced these arguments in favor of using public property and church property: ⁷³ that it would save money, improve the environment of elections, instruct children in the duties of citizenship when schoolhouses were used, enforce the idea of the sanctity of the ballot when church property was used, and make the location of the polling place better known.

Polling
booths
and bal-
lot boxes

Across the front of the room that is used as a polling place runs the guard-rail. Outside the rail there must be space enough for a certain number of prospective voters—ten in Pennsylvania—and for duly accredited watchers and challengers. Admission within the rail is strictly limited to the presiding officers, one or two watchers for

barber, discovering that others had paid a smaller amount, held back five dollars. "All right," said the election district captain, "I'll fix you in the election, because you wouldn't have no more polling place." . . . I didn't have it any more because he took it away from me."

⁶⁹ *Ibid.*, p. 35.

⁷⁰ Usually, as in Iowa and Pennsylvania, such mandatory provisions apply only when they are "practicable."

⁷¹ In New Jersey, as in some other states, the board may select a public building even if it lies outside the election district.

⁷² In Pennsylvania (as in a few other states) the board may, at its discretion, provide portable or movable polling places for any or all election districts.

⁷³ "Urge the Use of Our Schools as Polling Places," *New York Times*, January 25, 1924.

each party, sometimes a watcher for each candidate, and (usually) twice as many voters as there are polling booths. The police may be stationed just outside the rail or, more often, outside the polling place except when their assistance has been invoked. One booth or compartment, in which the voter may mark his ballot in privacy, is provided for each one hundred voters in half the states; or for each forty, fifty, or seventy-five. The ballot-boxes, which must be placed in plain sight of persons outside the guard-rail, but at least six feet away from it (in New York, for instance), are generally made of wood. In Kentucky they must, and in Oregon and Texas they may, be made of metal. In Oregon and Wyoming they may take the form of leather or canvas pouches. They have a hinged lid, fastened by a lock or perhaps by two or three locks of varying patterns (each key being in the possession of a different election inspector), and, in the lid, a slot just large enough to admit a single folded ballot. Although the boxes must be opened and inspected before voting begins, they may be stuffed later on, and all the more easily because the contents cannot be seen. Colorado has made a distinct advance in prescribing—as New Jersey has done in permitting, as an alternative to metal—glass sides. The wire-mesh construction used in Italy has nowhere been imitated.

The precinct election board consists of three inspectors or judges and two clerks. That is the general rule. In New York and New Jersey there are four inspectors; in North Carolina and Oregon, only two. The same board frequently conducts the registration of voters and the primary; and such a continuity of personnel is highly desirable, because it not only gives these officers a more thorough acquaintance with the law and greater confidence in discharging their duties, but it also enables them more easily to detect personation and other forms of fraud. The inspectors usually have the assistance of ballot clerks or poll clerks: two clerks in Nebraska, Virginia, and Wisconsin, for example; three in California and Oregon. The New York law provides for two clerks whenever paper ballots or two machines are used; but in the metropolis the clerks are employed only to assist in counting the votes after the polls have closed. Almost invariably the board is bipartisan. When there are three inspectors, not more than two of them belong to the same party; and the two clerks must belong to different parties. In New York the board is equally divided; and each side appoints one of the clerks. Some exceptions to this bipartisan arrangement may be found. California ignores the matter of party affiliation. So do Ala-

The precinct election board

bama, Arkansas, Georgia, Mississippi, and South Carolina; for in these states of the Solid South the Republican party maintains a precarious existence. In Texas the boards shall be bipartisan, "if possible." Nebraska has established tripartisan boards: one judge and one clerk from each of the two parties polling the highest vote for governor in the last election, and one judge from the party polling the third highest number of votes.⁷⁴

How it is
appointed

The appointment of the inspectors (judges) lies most frequently with the local board of elections or with the local legislative body (county or town board, municipal council). In Nebraska the clerk of the district court appoints, unless the county has an election commissioner; in Oregon the judge of the county court. According to the Oregon plan the judge, having made tentative selections from a list furnished by the county clerk (unless he finds the list unsatisfactory), has the names posted in his office for a period of three months. During that interval any voter may file remonstrances or suggestions; and upon these the judge holds hearings before he confirms the appointments or makes changes. His freedom of choice is limited only by the fact that he must not confine his selections to a single party. So in New Jersey the county board of elections draws freely from an eligible list of voters who have applied for employment and stated their party affiliation. Such a personal statement affords only a dubious guarantee of good faith. In most of the states the chairman of the county committee of each party submits a list of nominees for each precinct, the list containing two or more names in Kentucky, three to five in North Carolina, six or more in Utah. Presumably the first names on the list will be accepted unless specific objections arise. In practice the appointing authority acts on the advice of the county chairman, the chairman on the advice of the assembly district or ward leader, and he in turn on the advice of the election district captain (precinct committeeman). This is the normal arrangement even when the law does not require the appointing authority to make its selections from party lists.⁷⁵

⁷⁴ In South Dakota, "if three or more parties have tickets on the official ballot, one judge shall be appointed from each party having at least fifteen per cent of the voters as shown by the returns of the last general election." Normally Republicans and Democrats alone qualify.

⁷⁵ Professor Harris attributes defective organization and personnel to the spoils system. The fundamental reform consists in breaking the hold of the politicians. Such a reform cannot easily be achieved. The two party machines stick together. Frequently, in city wards where election frauds occur, one machine dominates and directs the other. On occasions city boards of election

Now, from the standpoint of the purity of elections, the inspectors hold key positions. If they are corrupt, the devices of the Australian ballot and the voting machine will be of little avail. The assumption that, in the interests of their party, corrupt Republican inspectors will frustrate the designs of corrupt Democratic inspectors and themselves be subject to a like restraint does not always hold good. The two party machines may have reached an understanding. Perhaps they agree to trade presidential votes for senatorial votes or a seat in Congress for a seat in the state assembly; or they decide to count out a winning candidate of some minor party. An investigation of one election district in New York City revealed the following facts:

Candidate	Official count	Actual vote
Republican	27	41
Democrat	330	135
Socialist	87	273

Such coöperation between the major parties, in districts where the minor parties are strong, has been very common in New York, as in many other communities.⁷⁷ Innumerable illustrations might be

have used their power of appointment courageously, ignoring or at least supplementing recommendations made by party committees. They have done so, most notably, in St. Louis, Omaha, and Detroit. "The experience of these three cities," says Harris, "provided proof that it is possible to divorce election administration from machine control, and secure competent persons to serve as precinct officers." *Op. cit.*, pp. 117, 142-144, 148-149.

⁷⁶ *New York Times*, March 2, 1924. Without such connivance the count may be strangely erratic. In Milwaukee, where elections are said to be well conducted, a recount for the office of representative revealed, in 1928, errors in all but one of 123 precincts. "A number of precincts showed an error of over one hundred votes." Harris, *Election Administration* (1934), p. 4. For corrupt elections in West Virginia, Iowa, and Jersey City see *Senate Report No. 47* (1941), pp. 63-65, 72-76, 89-91. In Iowa the returns from one district showed that 996 persons had voted; yet the vote for President was only 245.

⁷⁷ "This connivance or combination against the common enemy gave rise to bartering between the major parties even in districts where the influence of the minor parties was practically nil. But particularly in districts where one of the major parties was strong and the other comparatively weak, the weaker would trade its influence and support for the influence and support of the stronger party in other districts where the weaker party was strong, in order that the prestige of the two major parties might continue unimpaired in those districts where the influence of one or the other was predominant. . . . This trading of support assumed such proportions that in some elections where the outcome was doubtful the election officers of the two major parties entered into [trading] agreements. . . ." *Report of the Honest Ballot Association* (1918), p. 3.

given. Judge Lindsey has told how a henchman of the Republican boss of Denver carried \$20,000 to the Democratic Club one night and "dickered about how much we ought to pay per majority per precinct."⁷⁸ In one of the precincts, which did not have more than one hundred legal voters, the returns showed that 726 votes had been cast. "On election day," says Judge Lindsey, "the election 'judges'—appointed to guard the ballot boxes by the same men who lowered the assessments and rebated taxes of corporations—were given the lists of 'phony' names registered in their precinct; and the judges would check off the fraudulent names on their poll books and for each name deposit a ballot in the ballot box in support of the System! Could anything be simpler? Certainly nothing of the sort was ever more barefaced. I have seen typewritten lists of these 'phony' names that were made out at the Democratic Club and furnished to the Democratic workers, so that no election judge might make the mistake of depositing a ballot for any voter who might later appear at the polls to vote for himself." Referenda on woman suffrage were defeated, twenty or thirty years ago, it has been asserted, by ballot-box stuffing and other fraudulent devices.⁷⁹ Failing a bipartisan agreement, the inspectors of one party may play a lone hand. They may arrive at the polling place before the hour fixed by law, set the clock forward fifteen minutes, stuff the ballot box, and elect each other chairman of the board and inspector in charge of the registration book.⁸⁰ The other inspectors, arriving late (by the clock), find the board organized and the ballot box locked. Conscientious officers, subjected to intimidation, keep quiet about irregularities because of downright physical fear.⁸¹

Qualifica-
tions re-
quired of
inspectors

How can such abuses be prevented? By appointing men of high character, intelligence, and courage, no doubt. According to the "mystical democrats" the people alone can be trusted to choose

⁷⁸ Lindsey and O'Higgins, *The Beast* (1910), pp. 158-160. For recent abuses in Chicago, see H. F. Gosnell, *Machine Politics: Chicago Model* (1937), pp. 86-89.

⁷⁹ Catt and Shuler, *Woman Suffrage in Politics* (1923), pp. 170 *et seq.*

⁸⁰ This happened in a New York election district. One of the inspectors had previously been indicted for election frauds in the same district, but under an assumed name. *New York Times*, March 2, 1924.

⁸¹ Thus, in the course of a legislative investigation, a Republican inspector testified: "They told me and Schall that if we didn't mind our steps we would be thrown into a near-by cellar. They also threatened to give us the works." *New York Times*, February 7, 1926. In another case a witness said: "I knew if I offered any objection or refused to sign I would get beaten up. . . . I would rather be convicted of a crime than beaten up by that bunch there." *New York Times*, March 2, 1924.

wisely. Nevertheless, only Pennsylvania and a couple of other states resort to election.⁸² The results are anything but satisfactory. As the voters pay no attention to this obscure office and as the machine candidates always win, the election is merely a polite form. In a number of states the law lays down the qualifications for appointment. In Nebraska the election judges must be of good character and approved integrity; in Utah "credible, competent, and trustworthy" voters; in Nevada "capable and discreet" voters.⁸³ More often the only requirement, in addition to qualification for the suffrage, is the ability to read, write, and speak English. Occasionally candidates are expressly debarred.⁸⁴ New York also disqualifies anyone who has been convicted of a felony and not restored to citizenship⁸⁵ and (with certain exceptions) anyone who holds public office or is employed by a public officer.⁸⁶ On the other hand, the members of the town board are sometimes required to serve as inspectors; in Minnesota they serve for the precincts in which they reside; in Wisconsin they serve in only one precinct if there is more than one.⁸⁷ In Michigan townships the election board consists of one

⁸² In Pennsylvania one judge and two inspectors are elected, each inspector appointing one clerk. In order to obtain a bipartisan board the law provides that a voter may vote for only one inspector. But where one party is predominant an election district captain, by instructing the voters, can sometimes get control of the whole board, clerks included.

⁸³ The requirement that inspectors must be registered as voters in the precinct often so narrows the range of choice as to make satisfactory appointments difficult. Not all states impose such a limitation. Thus, in Detroit it has been possible to break up neighborhood boards, which sometimes lend themselves to collusion.

⁸⁴ In North Dakota not only candidates, but their near relations; and also anyone who has bet or wagered on the result of the election.

⁸⁵ Experience has shown the need of such a provision. So in Chicago: "The Maguire case showed that many persons with criminal records, some of whom had been convicted of election frauds, were again and again appointed as precinct election officials. Ballot thieves are recruited from the ranks of the pick-pockets, card-sharps, confidence-game men, and gambling-house operators. These persons have defied the law in other matters and know the sleight-of-hand tricks that are needed to put over ballot-box stuffing, alteration of tally-sheets, and ballot erasures. In a game where winning is the main objective, some precinct captains do not hesitate to name election crooks as their candidates for positions on the precinct boards." Gosnell, *Machine Politics: Chicago Model* (1937), p. 86.

⁸⁶ In California anyone "who has, within ninety days preceding such election, been employed in any capacity, other than that of election officer, or as a clerk engaged in the registering of electors, by the state, county, city and county, or incorporated city and town in which he resides."

⁸⁷ Note similar provisions in the laws of Vermont and North Dakota.

supervisor, the township clerk, and the justice of the peace whose term will first expire.

Written
examina-
tions to
test them

The New York law requires the inspectors to have a general knowledge of the duties of their office. In cities the board of elections tests the extent of this "general knowledge" by written examinations. Whatever may be the case now, the written examinations have been in the past a complete imposture—"farcical," to use the language of an official investigator. "Several inspectors and clerks testified," we are told,⁸⁸ "that a written list of answers was handed to them by the same official who gave them the examination paper. . . . The examination papers show that in scores of cases all the answers are identical, word for word, ditto mark for ditto mark. One man who evidently had received the wrong examination paper copied a list of answers which did not correspond in any respect with the questions on his paper. Although the fraud was obvious, the paper was accepted and the candidate declared to be qualified." Under a New Jersey law of 1911, since repealed, the civil service commission was required to examine candidates—recommended by the party chairmen or by five voters of the same party in a precinct—as to their general competence, intelligence, and knowledge of the election law. From the list of persons thus qualified the county board of elections selected by lot two Democrats and two Republicans for each precinct.⁸⁹ No doubt the civil service commission is a more reliable examining body than the board of elections. But against any elaborate and strict system of examinations there is a fatal bar. High-grade applicants will not come forward. Why should they be attracted to a job that will yield three, five, or in rare cases fifteen dollars a day for a few days' employment⁹⁰ when, without compensation, they must spend long nights

⁸⁸ *Report of the commissioner of accounts, September 4, 1915.* In the years 1909-1912 only twenty-three persons out of 28,310 failed to pass the examination.

⁸⁹ Although the legislature refused to appropriate funds for the purpose after 1915, examinations were held down to the repeal of the law in 1920. The law of Minnesota (1939) has special provisions for cities of the first class. Applicants for the post of judge or clerk shall have their qualifications established by the civil service commission, which then certifies the names of two persons having the highest rating from each political party for each election district. If there be not two qualified persons for one of two parties, then the persons of next highest rating, irrespective of party, shall be certified. If there be not a sufficient number of qualified persons, then the city clerk shall appoint voters of the election district.

⁹⁰ Compensation varies from \$1 a day in Mississippi and South Carolina to \$15 in New Jersey, where, however, as in several other states, the normal sum may

in studying the half-intelligible details of the election law and then journey to the board offices for an examination that they may not pass?

The boss will push men forward when he has some sinister end in view—hire someone to pass the examinations for them, perhaps. But competent recruits are hard to find. Though New York City pays an inspector, when paper ballots are used, three times as much as Nevada does and five times as much as Wyoming, the president of the board of elections has had to advertise for applicants. He has expressed the opinion that the legislature may be compelled to make service obligatory.⁹¹ According to the registrar of elections in San Francisco, it is impossible to secure competent people for half the places.⁹² Employers will not grant leave to bank clerks and insurance clerks, who are admirably qualified. "In some instances, when a clerk has been sworn to serve as an election officer, he has been dismissed when he returned to work on account of being absent. This is in violation of the law, but I am unable to secure assistance from the city attorney in these matters." Obviously the position must be made more attractive. First of all, the duties should be lightened by the use of the voting machine or else by recourse to separate counting boards or a central count, the latter to begin late enough for the employment of experts who are otherwise engaged during the day. These are palliatives. The ultimate solution lies in shortening the ballot and limiting the scope of election to policy-determining officers. It is also essential to do away with party patronage. "The most feasible steps in that direction," says Professor Harris,⁹³ "are: first, provide for a single election commissioner or place the administration in the hands of one of the regular officers of the city or county; second, do away with all requirements of bipartisanship all

Difficulty
of getting
competent
inspectors

be exceeded in large cities (for example, Newark and Jersey City pay \$25). The compensation in Ohio is \$8 generally, but \$10 in counties having a population of 250,000; in New York City, \$11; in Idaho, \$4 to the close of the polls and then 50 cents an hour for not more than eight hours; in many states (such as Indiana, Oklahoma, Virginia, and Wyoming), \$3. Occasionally it is based altogether on an hourly rate—30 cents in Iowa and Nebraska, 50 cents in Washington. There is now a pronounced tendency to leave the local authorities (town or county board, city council) free to fix the amount (as in Massachusetts, Michigan, Pennsylvania, and Wisconsin); or to do so subject to a maximum limit (as in Rhode Island and West Virginia).

⁹¹ *New York Times*, November 2, 1924.

⁹² *Transactions of the Commonwealth Club of California*, Vol. XVII (1922), p. 385.

⁹³ *Election Administration in the United States* (1934), p. 149.

along the line; third, eliminate the requirement of residence in the precinct for precinct officers; and fourth, place full power and responsibility for the administration squarely upon the chief officer, with the hope that he will shoulder responsibility and refuse to turn over the office to the political machines."

CASTING AND COUNTING THE BALLOTS

Hours of
voting

The polls open at six A.M. in Arizona and Indiana, nine in North Dakota and Wyoming. Six, seven, and eight are most usual. Closing time comes ten to thirteen hours later.⁹⁴ The election board, which then proceeds to count the votes (unless machines have been used or a separate counting board), already shows signs of fatigue and may be excused, perhaps, for the blunders that it makes in reading off and tabulating the votes, especially in view of the colossal size and complexity of the ballot. The hours of polling should be so arranged as to suit the convenience of the voters; for example, to enable workingmen to vote before they leave for their work or after they return from it. However, the states (or at least most of them) make election day a legal holiday. Moreover, it is often provided (as in Arizona, California, Iowa, New York, and South Dakota) that, for the purpose of voting, an employee is entitled to an absence of two hours, without deduction of pay—four hours in Kentucky and Missouri; an unspecified time (but before noon) in Minnesota. In Illinois a similar provision was declared unconstitutional as to the matter of pay.

Proceed-
ings before
the polls
open

Half an hour before the opening of the polls the inspectors meet at the polling place. Under the provisions of the New York law they post on the walls the sample ballots and instruction cards, arrange the furniture and supplies so as to be convenient for use, see that the booths are properly equipped, unlock and inspect the ballot boxes to make sure that they are empty, and then lock them up again "in such manner that the watchers and the persons just outside the guard-rail may see that the boxes are empty when re-locked." The board organizes by appointing one inspector to deliver

⁹⁴ The polls remain open from sunrise to sunset in North Carolina. They shall open not later than ten and close not earlier than three in New Hampshire, this provision giving the local authorities the power to make arrangements that will suit local conditions. Seven states distinguish between rural and urban communities, the polls opening an hour or so earlier in the cities, and (occasionally) closing an hour or two later.

the ballots to the voters, a second (of opposite political faith) to receive them from voters, and the remaining two to have charge of the registers. If a voting machine is used, the inspectors meet three-quarters of an hour before the opening of the polls. They open the counter compartment of the machine, examine every counter carefully, and allow the watchers to do likewise. They must sign a certificate showing that the keys have been delivered to them in a sealed envelope, that the number on the seal of the envelope corresponds with the number on the seal of the machine, that all the counters have been set at zero, and that the ballot labels have been placed on the face of the machine. If any counter does not register zero, they must notify the official custodian; and if he does not arrive in time to make the necessary adjustments, then they shall post a statement, giving the number of the counter and the number of votes registered on it, these votes to be subtracted from the total votes at the time of the canvass. One inspector is appointed to have charge of the machine; the others have charge of the registers.

As each voter applies for a ballot, his name is announced and the stub-number of the ballot he receives entered in the register. In a considerable and increasing number of states he must sign his name, this signature being compared with the one recorded at the time of registration. There may be some ground for suspecting the alleged qualifications of the applicant. Any member of the board who entertains such a suspicion must, and any voter of the precinct may, challenge his right to vote. He is then put under oath and interrogated, this fact being noted in the register. If he swears that he is entitled to vote, he is usually allowed to do so, but in some cases only when the majority of the board are satisfied. In New Jersey the board may reject the applicant by majority vote and, on the demand of any citizen, issue a warrant for his arrest; but a court may, in summary proceedings, grant him a petition of right, which will enable him to vote. In Kentucky, if the sheriff or one of the inspectors or party watchers desires it, two witnesses on each side may be examined under oath. There should be some means of identifying the ballot cast by a suspected voter—something that cannot be done when voting machines are used; his lack of qualifications may later be established. Very few states provide any such means of identification. The matter has already been discussed in connection with the form of the ballot and the use of numbered stubs. In the case of challenged voters the laws of Michigan and Oregon require an inspector to write on the back of the ballot its number as shown

Challeng-
ing voters

in the poll-book; but in Michigan the number is covered with a piece of gummed paper and may not be revealed unless the voter is convicted of perjury or shown not to have been a qualified voter or unless he agrees to it in writing.

Party
watchers

The board, being bipartisan, is not likely to be much concerned about protecting the interests of minor parties or of independent candidates. The inspectors may even act in concert, giving effect to some trade or dicker between the party bosses or using illicit methods to defeat a particular candidate or a particular measure. They may stuff the ballot box, accept fraudulent votes, or count the votes fraudulently.⁹⁵ To obviate such abuses each party and independent nominating body—perhaps each candidate as well—is permitted to have an accredited agent, a “watcher” or “challenger,” inside the guard-rail and one or more immediately outside.⁹⁶ The watcher is entitled to be present not only while the polls are open, but also beforehand, when the ballot boxes or machines are inspected, and afterwards, right up to the time when the returns and the ballot boxes have been handed over to the police. He has the right to inspect all records and to challenge any voter. Of course, he may be there for a purpose not contemplated by the law. In a certain New York district two brothers served as watchers under assumed names. One was a pugilist and tough who had been indicted several times. “He commanded the strong-arm squad and directed all the movements of the bulldozing battalions,” says the *New York Times*.⁹⁷ “His associate did the handiwork at the ballot box and at the books. When some one protested, one of the Tammany men present said: ‘If you says that again, I will punch you in the nose.’”

The watcher cannot be effective unless he has had previous experience and knows the election law thoroughly. He should have a per-

⁹⁵ In one New York assembly district it was proved that 1,124 of 2,781 votes were fraudulent. More than 700 registered voters, recorded as having voted, volunteered information that they had not gone to the polls. Six election officers were sent to the penitentiary and sixteen fined. *New York Searchlight* (published by the Citizens Union), September 15, 1914.

⁹⁶ The practice varies. Kentucky, Minnesota, Nebraska, and Ohio authorize only one watcher for each party; New Jersey and Wisconsin, two for each party and each independent candidate. Colorado and Utah extend the privilege only to the two political parties casting the highest votes in the last election; New York allows “not more than two watchers” for each political party or independent body filing or entitled to file certificates of nomination; Pennsylvania, three, compensation being limited to \$10 in cities and \$5 elsewhere.

⁹⁷ March 2, 1924.

Their difficult position

sonal description of every registered voter; and he should be able, in any emergency, when he feels the need of physical assistance or is not sure of his rights, to telephone to a central office. He must know definitely what the law allows him to do, because ridicule and threats will be used to discourage his activities. An inexperienced person is easily deceived. The repeater does not slink in furtively, an obvious impostor; he drives up in a splendid car, perhaps, wearing the apparel of a substantial citizen, and is greeted deferentially by friends on the election board, who convey the impression that he is a well-known and respected resident of the precinct. The watcher's attention may be distracted. He may be advised to keep an eye on some shady character who is lurking about the doorway, or he may be lulled to a sense of security by the atmosphere of good-fellowship and by everybody's obvious anxiety to make this election the purest one on record. Someone produces money for cigars; and, since the inspectors have their duties to perform, the watcher goes to the tobacco shop around the corner. A good deal may happen in those few minutes. He may not have, or appear to have, a pugnacious disposition. An ugly customer, whose general appearance is that of an assassin, stands at the doorway for ten minutes, eyeing him malevolently, then saunters over to the rail and, as the watcher may well imagine, asks the chairman of the board whether a blackjack or a sandbag will be sufficiently effective. This may be all play-acting. But enough has happened in the past to make a man who values his skin a bit doubtful of the wisdom of seeing the thing through.⁹⁸ Persuasion or bribery may take the place of intimidation. "Two very persistent Jews appeared as Roosevelt watchers in the last election," a ward leader explained.⁹⁹ "I gave

⁹⁸ In New York City thirteen watchers employed by the Honest Ballot Association were assaulted and sixty-two ejected from polling places at one election. *Report of the Honest Ballot Association* (1918), p. 9. The Association was founded in 1912 for the purpose of preventing election frauds. Next year it employed a staff of forty-seven detectives and 1,467 field workers, the latter gaining admission to the polling places as the certified watchers of independent candidates, minor parties, or even the Republican party. These watchers were given a certain amount of instruction and equipped with printed manuals. On the days of registration they entered an elaborate description of each voter in a book provided for that purpose. Their work was supervised by a captain (also paid) in each assembly district and by a headquarters staff that included ninety-three lawyers. The Association presented that year evidence of 325 cases of election crimes; but its chief service then was, as it now is, the prevention rather than the punishment of fraud.

⁹⁹ J. T. Salter, *Boss Rule: Portraits in City Politics* (1935), p. 46.

them both the price of a breakfast and made them dissatisfied with the \$2 they were getting from the Roosevelt group. I hinted that the leader was holding out on them. Next I paid each \$10—and promised them a job I didn't have; this got them outside for the rest of the day." The employment of watchers is sometimes a disguise for the purchase of votes. In the corrupt Pennsylvania primary of 1926 the Pepper faction with twenty-five ten-dollar watchers to each precinct carried Pittsburgh against the Vare faction with only ten watchers to each precinct. Such numbers were possible because at the primary each candidate may have two watchers as against three for each party at the general election.

Casting the
ballots

The voter receives a folded ballot and retires with it to the polling booth. There he prepares it, using pencil, pen, or stencil as the law may require.¹⁰⁰ If he spoils the first ballot, he may apply for another in two states, a third in most states, a fourth in Nebraska and Oregon. But in Oregon inspectors must prepare the fourth under his direction. An illiterate voter or a voter who is, through physical disability, prevented from marking his own ballot may have the assistance of two inspectors of opposite political faith. He must swear to the fact that he is illiterate or disabled;¹⁰¹ and a memorandum must be entered in the register or poll-book, showing that he has been sworn and that the officers whose names are given assisted him.¹⁰² No one will dispute the propriety of this arrangement, at least so far as disabled persons are concerned. But the privilege

¹⁰⁰ The voter may use either pen or pencil in Illinois, Texas, and Virginia. More frequently a black lead pencil is prescribed, as in New York and Ohio; black or blue in Michigan; blue in Nebraska; indelible in Minnesota and Oregon. In Wyoming pencils must be used "whenever it is practicable to obtain the same, and ink should not be used if it can be avoided." Colorado prescribes ink. A stamp or stencil takes the place of pen and pencil in at least five states: California, Kentucky, Louisiana, Nevada, and Oklahoma.

¹⁰¹ Under the law of 1937 in Pennsylvania "no voter shall be permitted to receive any assistance in voting at any primary or election, unless there is recorded upon his registration card his declaration that, because of illiteracy, he is unable to read the names on the ballot or on the voting machine labels, or that he has a physical disability which renders him unable to see or mark the ballot or operate the voting machine, or to enter the voting compartment or voting machine booth without assistance, the exact nature of such disability being recorded on such registration card, and unless the election officers are satisfied that he still suffers from the same disability." Moreover, the applicant for assistance shall be put under oath.

¹⁰² In addition the inspectors are sometimes required to certify on the back of the ballot that it was marked with their assistance. This is the rule in Colorado, Michigan, Nebraska, Utah, and Wisconsin.

of receiving assistance may be abused; it facilitates bribery. A bribed voter who wants to mark his ballot before witnesses may appear at the polls with his arm in a sling. Such a man will hardly demur at taking an oath; and in a few states a mere declaration is sufficient.¹⁰³ Having prepared the ballot, with or without assistance, the voter folds it so as to expose the official endorsement on the back and hands it to an inspector. The number on the stub or, if no stub is used, the initials of the inspectors on the back of the ballot will show whether it is the ballot actually handed to the voter. If he is satisfied that there has been no substitution, the inspector puts the ballot in the box.

When the polls close, the count begins. If a machine has been used, this involves no more than opening the counter compartment and reading off the totals. With paper ballots, on the other hand, the count may occupy five or ten hours. Complicated questions arise. As the chairman takes up each ballot in turn and announces the votes recorded on it, a watcher or inspector may raise objections. The rules as to what constitutes a valid vote are not always easy to apply. Is a cross mark valid when it consists of three or four intersecting lines, or of curved lines, or when it is half inside and half outside the square? Is the irregularity intended to identify the ballot? Disputes arise. There may be prolonged wrangling. Two clerks or inspectors tally each vote upon an official sheet, announcing at the same time the person to whom it is credited. Mistakes are made, more and more mistakes, as the night advances. When the weary clerks add up their tallies and compare their totals with the number of voters shown by the poll-book, they find a discrepancy. The task has to be done all over again. No wonder they are so often ready to accept the help of a practised election district captain. He alone can pull them out of the morass and make an adjournment before sunrise possible. Watchers who were alert enough at seven in the morning grow somewhat apathetic towards midnight. Some queer transactions are likely to occur.

Counting
the votes

An election board that has already served continuously for twelve hours can hardly be expected to give satisfactory service for another five hours or more. Fatigue stands in the way of an accurate

Special
counting
boards

¹⁰³ So in Oregon and Wisconsin, but an oath may be required if the board suspects the declaration. In some states (for example, Minnesota and Pennsylvania) the applicant may be assisted by any voter of the precinct whom he may designate. In Minnesota an intoxicated person is not entitled to assistance; indeed, "no person shall be permitted to vote while grossly intoxicated."

canvas. A dozen states have adopted a new system.¹⁰⁴ They have established double election boards.¹⁰⁵ The receiving board does everything except count the votes. The members of the counting board arrive at the polling place a few hours after the opening of the polls.¹⁰⁶ As soon as a certain number of ballots have been cast (twenty in Oregon), they take charge of the box and, retiring to another room, proceed to count and tabulate the votes.¹⁰⁷ Later they obtain a new supply of ballots by exchanging this box for the duplicate box which the receiving board has used during the interval.¹⁰⁸ Under this method the count should be completed soon after the closing of the polls; and yet less soon than might be expected, because a heavy vote is cast in the last hour or two.¹⁰⁹ The double election board involves difficulties, however: first, in securing adequate quarters; and, second, in filling the additional places with competent men. The latter problem is solved by the system of central

¹⁰⁴ These states are: Colorado, Idaho, Iowa, Kansas, Michigan, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Texas, Utah, and West Virginia. In Connecticut, a counting board sets to work after the close of the polls, a practice which is optional in Minnesota and Ohio. Within certain limitations, California and Indiana permit the ballots to be collected from the precincts and counted at a central place, as Ohio did till 1941.

¹⁰⁵ The law is either permissive (as in Iowa and Oregon) or mandatory (as in Nebraska and New Mexico). It may apply to all precincts (as in Iowa and Missouri) or only to precincts in which a minimum number of votes were cast in the preceding election (100 in Oregon, 125 in Nebraska, 200 in Kansas and New Mexico) or in which a minimum number of voters have been registered (400 in West Virginia).

¹⁰⁶ In Oklahoma 2 hours, in Nebraska 3, in Iowa 4 (unless the supervisors fix an earlier time), and in Oregon 5 (unless the county clerk directs otherwise). There is normally a further provision that the count shall not begin until a certain number of ballots have been voted (5 in Idaho, 20 in Oregon, 25 in Nebraska, 50 in Iowa and New Mexico).

¹⁰⁷ I was tempted to quote from the statutes of half a dozen states in order to illustrate the low quality of bill-drafting. The process that the statutes attempt to describe is simple, but the description is often absurdly involved and almost unintelligible.

¹⁰⁸ The procedure is different in Oklahoma. There, after the polls have been open for two hours, the ballot box is unlocked, the ballots "removed to a receptacle," the empty box relocked, and the balloting continued as before.

¹⁰⁹ Note this provision of the Oregon law: "In case the count is not completed by 8 o'clock a.m. of the next following day, the said first board shall reconvene and relieve the second board, and continue said count until 8 o'clock p.m., when, if the count is not yet completed, the second board shall reconvene and again relieve the first board, and so, alternately, until said boards have fully completed the count and certified the returns."

counting. This system, long familiar in England, has seldom been used in this country. San Francisco tried it for some years and abandoned it as impracticable.¹¹⁰ California permits it; and for populous counties Indiana requires it. For the election of the New York city council by proportional representation there has been, since 1936, a central count in each of the five boroughs. The central count offers better opportunity for effective supervision and for the appointment of experienced clerks.

The central count

The result of an election can generally be forecast by the time the morning newspapers go to press. Although many precincts have not yet reported, the experts, interpreting available figures, can reach an estimate that serves well enough unless the election is very close. But the official canvass occurs later, perhaps two or three days or a week later in the cities and counties.¹¹¹ Most frequently the county board of supervisors or the county board of elections conducts the canvass; in Wyoming the county clerk and two justices of the peace selected by him and belonging to different parties; in Wisconsin the county clerk and two others of different parties selected by him from a specified list of officers;¹¹² and in Washington the chairman of the county board of commissioners, the prosecuting attorney, and the auditor. The returns compiled by the county canvassing board, so far as these relate to officers to be chosen from the state at large or from districts larger than a county, are sent to the state canvassing board.¹¹³ This board is usually composed of three state officers: the secretary of state, treasurer, and attorney general in Wisconsin; the secretary of state, treasurer, and auditor in Wyoming; the secretary of state, treasurer, and superintendent of public instruction in Michigan. There are numerous exceptions, however. The governor and four members of the senate conduct the canvass in New Jersey; the secretary of state in the presence of the governor and attorney general in Arizona. It should be observed that canvassing boards cannot, in order to investigate fraud, examine ballots or go beyond the returns that the precinct officers have made. Within a short period after the canvass has been completed, however, the appropriate court may be asked to order a recount.¹¹⁴

County and state canvassing boards

¹¹⁰ Harris, *op. cit.*, p. 54.

¹¹¹ Two weeks in Wyoming.

¹¹² County judge, register of deeds, justices of the peace, and county board. If all persons on this list belong to one party, then the county clerk shall appoint "some respectable citizen" to represent the other party.

¹¹³ It meets twenty or thirty days after the elections.

¹¹⁴ Harris, *op. cit.*, pp. 66-68, 307-314.

Index

- Absent-voting laws: their history, 704; character, 704-705; operation, 704-707; slight importance, 705-706.
- Adams, James T.: on depressions, 271-272 n., 381.
- Adams, John: on economic basis of party, 197 and n.
- Adams, John Quincy: 249, 250.
- Affiliation, party. *See* Party membership; Primary, closed; Primary, open.
- Agrarian groups (*see also* Groups, organized): 166-184, 268; granger movement, 166-167; Farmers' Alliance, 168; Nonpartisan League, 169-177; American Farm Bureau Federation, 177-180; Farm Bloc, 180-181, 268.
- Aliens: and suffrage, 35-36.
- Amendments to Constitution: Thirteenth, 41, 70, 585; Fourteenth, 41, 61, 64, 70, 82, 83, 96, 114, 674 n.; Fifteenth, 41-42, 44-47, 54-57, 62 and n., 70, 83, 96, 114, 257, 710; Seventeenth, 205 n., 675 n.; Eighteenth, 150, 188, 205, 565; Nineteenth, 88-89, 100, 104, 146, 205, 710.
- American Association of University Women: 105.
- American Farm Bureau Federation: 177-180, 270; origin and character, 177-179; membership, 179; income, 178, 182 n.; legislative lobby, 179-180.
- American Federation of Labor: 283; origin and growth, 154-158; schism, 156-158; early aloofness from politics, 158-162; political activities, 162-164, 296; opposes a labor party, 164-165.
- American Institute of Public Opinion: 11, 12, 72 n., 275, 630-631, 639.
- American Labor party: 165.
- American Legion lobby: 141 n.
- American party. *See* Know-Nothing party.
- American Temperance Society: 147.
- Angell, Norman: on opinion, 121 n.; criticizes press, 130, 132-133, 135 and n.; proposes reforms, 138.
- Anthony, Susan B.: suffrage leader, 80, 83, 84, 85; drafts constitutional amendment, 89.
- Anti-Corn-Law League: 122, 128, 614.
- Anti-Federalists: 245.
- Anti-Masonic party: 251, 280, 318.
- Anti-Saloon League: 127; its origin and strategy, 149-151; regulated by N. Y. law, 189 and n.; its heavy expenditures, 525 and n., 614-615.
- Apathy of electorate. *See* Voters.
- Aristotle: 15, 128, 325.
- Assembly district leader. *See* Ward leader.
- Assessment of public employees. *See* Civil service.
- Athens: citizenship in, 16-17.
- Australia: parties in, 201 n., 230 n.; compulsory vote in, 708.
- Australian ballot. *See* Ballot, Australian.
- Availability of presidential candidates: 578-580.
- Ballot, Australian: 729-736; its introduction, 224-225, 331, 468, 729, 730-732; essential characteristics, 729-730; Massachusetts type, 730-731, 734-735; nonpartisan type, 730-731; present status, 732, 733; Indiana type, 735-736; party emblems, 735 and n.; detachable stubs, 744-746; time allowed for marking, 746; sample ballots, 746; separate ballots, 747; method of marking, 768 n.; replicas, op. pp. 634, 682.
- Ballot, nonpartisan: 731.
- Ballot, pre-Australian. 473, 728, 733; replicas, op. p. 732.
- Ballot, preferential: in primary, 509-511; in Cleveland election, 511; in

- Ballot (*continued*)
 various cities, 743-745; its different types, 743.
- Ballot, primary: 489; designation of candidates for place on, 490-492; order of names on, 498-499; overloaded, 520-521.
- Ballot, short (*see also* Elections, multiplication of): in Canada, 521, 692, 699; in England, 682-683; argument against, 683-684, 684 n.; eminent advocates of, 688; slow progress of, 688-689; organized agitation for, 689, 689 n.; direct legislation inconsistent with, 690; overloaded ballot, 681-689; illustration, op. p. 682.
- Ballot boxes: 757.
- Ballots, replicas of: op. pp. 682, 732, 734.
- Barnes, William, 435 n., 440.
- Barnett, J. D.: on publicity pamphlets, 695; on the recall, 698 and n.
- Barthélemy, J.: on woman suffrage, 83.
- Beard, C. A.: on colonial electorate, 22 and n.; on Jefferson, 196; on John Adams, 197 n.; on parties, 239 and n., 256, 307; on overburdened voter, 680-681, 693.
- Becker, Carl: on unit rule, 580 n., 581 n.
- Behind the Scenes in Politics*: 592 n., 605 n., 606 and n., 607-608, 608 n., 617-618, 622-623 n., 625.
- Belgium: compulsory vote in, 708.
- Belmont, Mrs. O. H. P.: 103.
- Belmont, Perry: 658.
- Bernays, E. L.: on propaganda, 124.
- Billboards in campaign: 610-611.
- Binker, R. S.: on municipal politics, 238-239.
- Bishop, J. B.: on Roosevelt, 645-646, 645 n., 646 n.
- Black-and-tans: 39 n., 66, 368.
- Blackmail: by newspapers, 131-132; by legislators, 463-465.
- Blaine, J. G.: 570; candidate in 1884, 259, 302 and n., 578 n.; leadership in Maine, 409, 416; and Mulligan letters, 417 n.; on party platform, 570.
- Blanshard, Paul: on graft, 454-455, 459 n., 460 n.
- Blease, Senator Cole: 215 n.
- Bloomers, 81 n.
- Blythe, S. G.: on convention demonstration, 575-576, 576 n.
- Board, canvassing: 771.
- Board, precinct election: 757-764; how appointed, 758, 761; sometimes corrupt, 759-760; qualifications required for, 760-762; examination of candidates for, 762 and n.; few competent candidates for, 762-763; compensation of, 762-763 n.; double boards, 770.
- Booths, polling: 756.
- Border states: 37 and n., 38 and n., 40 n., 258, 266 n., 269, 271, 394 n.
- Boss (*see also* Party machine; Party leadership) Chapters XVI and XVII; his rôle in New York, 413; contrasted with leader, 413-421; derivation of word, 414; Roosevelt's description of, 415-416; Stanwood's description of, 416-417; different types of, 417-422; reasons for his existence, 422-431, 686; big business and, 425; his real significance, 425-429; decline of bossism, 437; and the machine, 440-441; ward boss, 444-449; his control of elective offices, 451-452; and of appointive, 452-456; his responsibility enforceable, 518 and n.
- Bourne, Jonathan: on national convention, 529.
- Bowers, Claude G.: 247.
- Boxes, ballot. *See* Ballot boxes.
- Brady, Alexander: on Canadian parties, 201 n., 208 n.
- Brain Trust: 278.
- Breen, M. P.: on machine politics, 328, 419 n.
- Brennan, G. E.: 409, 411, 419, 420 and n.
- Bromage, A. W.: on literacy test, 34.
- Broun, Heywood: 139.
- Bruce, A. A.: on agrarian politics, 160 n.; on Nonpartisan League, 170.
- Bryan, W. J.: Southern attitude towards, 67, supported by organized labor, 162; presidential candidate, 261, 262, 263, 299, 366; party leadership of, 271, 379; his campaign methods, 619, 623, 624 and n.; proposes party bulletin, 655-656.
- Bryce, Lord: defines democracy, 15 and n., 16 and n.; on woman suffrage, 99; on public opinion, 110, 117 and n., 119, 120, 121 n.; on civic apathy, 701-702; on party, 190, 202, 213 n.; on Canadian parties, 208 n.; on party nominations, 221, 223 n.,

- 356 n.; on party organization, 307; on oligarchy, 324; on bosses, 422-423; on party platforms, 567; on convention managers, 591-592.
- Bucklin plan: 743, 744.
- Burke, Edmund: his theory of representation, 109; on party, 189, 190 and n.
- Business, big: 643-646.
- Butler, N. M.: on direct primary, 342 and n.; on overburdened voter, 681 n.
- Calhoun, J. C.: on congressional caucus, 313 and n.; on national convention, 322.
- Cameron, Don: 411.
- Cameron, Simon: 411.
- Campaign, election (*see also* Campaign finance; Corrupt practices acts): when it begins, 599-600; party headquarters, 600 and n.; presidential candidate and, 600-602; national chairman directs, 602-604; strategy of, 605-609; publicity in, 605, 609-618; front porch speeches, 619-622, 619 n.; stump tour, 619 and n., 623-625; appeals to special groups, 625-626; use of publicity pamphlet in, 655-658.
- Campaign, primary: large expenditures in, 521-523, 676; Pennsylvania and Illinois cases, 522-523; use of publicity pamphlets in, 524.
- Campaign finance (*see also* Corrupt practices acts): extent of expenditures, 600, 633; Republican funds, 632; smaller Democratic funds, 633-634; expenditure on publicity, 636-637; sources of party funds, 637-655; assessment of officeholders, 637-638, 668-669; "gifts" from recipients of relief, 639-642; gifts from organized labor, 642-643; Hanna's methods, 643-645; levies on big business, 643-646; Theodore Roosevelt's attitude, 645-646, 645 n.; large donations condemned, 646-647; reliance on small sums, 647-648; practice of parties compared, 648-650; sale of Democratic convention book, 650-651; deficits, 651-653; Theodore Roosevelt's proposal, 654-655; Colorado act, 655.
- Campaign funds. *See* Campaign finance.
- Campaign Text-book: 616.
- Canada: parties in, 201 n., 208 n., 230 and n.; opposition leader paid, 218 and n.; reciprocity with, 265; deposit by candidate, 358 n., 478 n.; short ballot in, 521, 692, 699.
- Candidate, presidential: speech of acceptance, 570-573, 599-600; qualities required (availability), 578-580; nomination of, 587-594; campaign, Chapter XXII.
- Candidate, vice-presidential: 592-594.
- Candidates in primary: assessed for costs of primary, 487; how designated, 490-496; qualifications required for, 496-497.
- Canvassing boards: 771.
- Carpetbaggers: 43.
- Cassidy, Joseph: 420, 687 n.
- Catt, C. C.: suffrage leader, 85; and N. R. Shuler quoted, 78 n., 86 and n., 88; on woman suffrage, 99-100.
- Caucus: character and function, 309-311; various meanings of term, 311 n.
- Caucus, congressional: origin and function, 7, 311; its merits, 312 and n.; its overthrow, 312, 316-317.
- Caucus, legislative: origin and function, 7, 311; its decline and disappearance, 313-316.
- Cermak, Tony: 420 n., 432.
- Chairman of national committee. *See* National chairman; Campaign, election.
- Challenge system. *See* Primary, closed.
- Chamber of Commerce of the U.S.: 153-154.
- Check-and-balance system: 207 and n.
- Cherrington, E. H.: on propaganda, 143 n.; on prohibition movement, 148, 149-150.
- Childs, R. S.: on invasion of primaries, 335-336 n., 336; on long ballot, 686 and n., 687-688.
- C.I.O.: 156-158, 165.
- Citizens Union: 144-146.
- City committee: 396.
- Civil service: merit system, 331, 468 and n.; assessments for funds, 637, 638, 642, 668, 674. *See also* Hatch Act.
- Clark, Delbert: on Franklin Roosevelt, 273.
- Classic. *See* U.S. v. Classic.

- Cleveland, Grover: 244, 257, 259, 379-384, 578 n., 643.
- Club, ward: 449-450.
- Colby, Bainbridge: on *Congressional Record*, 656 n.
- Combateness: 212.
- Committee, city: 396.
- Committee, congressional, 360-361, 396.
- Committee, county: 396, 405.
- Committee, designating: 357, 519.
- Committee, national (*see also* National chairman): origin of, 318 and n., 321 n., 364 and n.; powers and activities of, 362-363, 366-375; composition of, 363; election of, 364-366; chairman dominates, 375-376; and national convention, 533; and campaign funds, Chapter XXIII.
- Committee, senatorial: 361-363.
- Committee, state central: 396, 405-412; how chosen, 396, 405-406; its size, 406 and n.; its powers and functions, 397, 406-407, 408-409, 408 n.; its chairman controlled, 409-410.
- Committee, ward: in Chicago, 441; in Boston, 441; in Philadelphia, 442; in New York, 443.
- Committeeman, precinct. *See* Precinct committeeman.
- Communist party (*see also* Workers' party): 290-294; its popular vote, 284; its membership, 285, 291-292; controlled from Moscow, 290; its shift in 1935, 290-291; schisms, 291; its organization, 292; and labor party, 293 and n.
- Compromise of 1850: 254.
- Compulsory vote: 708-709.
- Congress of Industrial Organizations: 156-158, 165.
- Congressional caucus. *See* Caucus, congressional.
- Conkling, Roscoe: 383 and n., 383-384 n., 411, 416.
- Connally, Tom: 574 n.
- Connolly, Maurice E.: 434.
- Consent, government by. *See* Opinion, public.
- Constitutional interpretation as basis of parties, 196 and n., 246-247.
- Constitutional Union party: 281.
- Contracts: as a means of graft, 465-466.
- Contributions to party funds. *See* Campaign finance; Corrupt practices acts.
- Convention, designating: in Colorado, 350, 493-494; in Massachusetts, 351, 493; in South Dakota, 351, 356, 494 n., 513; in Minnesota, 351, 493; advantages of, 494-495; disadvantages of, 495-496.
- Convention, national (*see also* Convention, national, composition of; Convention, national, proceedings of; Primary, presidential): its survival, 8, 352; influence on state party organization, 321-322; its establishment, 317-318; proposed abolition of, 352-353, 529-530; the "call," 367, 532; date of meeting, 367, 533; place of meeting, 533-537; arrival of delegates at, 555; preliminary activities, 556; Ostrogorski's appraisal of, 594-595.
- Convention, national, composition of: apportionment of delegates, 319-321, 321 n.; state legislation affecting, 353, 530; Republican delegates from South, 369-370, 540-541, 540 n.; how delegates are chosen, 532 and n., 544-554; Democratic rule of apportionment, 537-539, 538 n.; Republican rule of apportionment, 537-543; present Republican rule, 544.
- Convention, national, proceedings of: contesting delegations, 367-368, 533, 560-562; favorite sons, 552, 588; duration, 557-558, temporary chairman, 558-559; keynote speech, 558; committee on credentials, 559-562, n.; permanent chairman, 560; two-thirds rule, 562 n., 584-587; committee on rules, 562-563, 583, 586; committee on resolutions, 563; platform, how drafted, 563-571; flamboyant oratory, 573-575; demonstrations, 575-578; qualities required of presidential candidate, 578-580; unit rule, 580-584; deadlocks, 587, 588, 589, 590; favorites, 588, 590; dark horses, 588-589; fluctuations in balloting, 591-592; vice-presidential nomination, 592-593.
- Convention, post-primary: for nominating candidates, 508-509; for drafting platform, 515.
- Convention, state and local: early development, 7-8, 313-316; held by Southern Republicans, 65-66; adverse conditions formerly affecting

- it, 222-224; abolition of, 223-224, 341-350, decline of, 324-330; methods of controlling, 329-330; statutory regulation of, 331-338; good and bad characteristics, 339-341; extent of survival, 349-351, 483-486, 514-515, two convention states, 349, 394, 483, 485-486; reestablishment of, 485; held for drafting platform, 514-515.
- Coolidge, Calvin: 369; elected President, 268; leadership of party, 387-388, 388 n.; his campaign methods, 600, 620.
- Corporations: blackmailing of, 463-465; prohibition of political contributions by, 668.
- Corrupt practices acts: publicity pamphlets, 524, 656-658; public money for party campaigns, 654-655; development of state legislation, 658-674; North Carolina law, 659-660; Wisconsin law, 660-661, 671-674; publicity required, 661-663; expenditure limited in amount, 663-666, 669; evasion of, 664-665; certain expenditures prohibited, 666-667; lawful expenditures enumerated, 667-668; contributions limited, 668-669; defects of state legislation, 669-774; federal legislation, 674-679; federal regulation of primaries, 675-677; Newberry case (*which see*), 676-677.
- Corruption, political. *See* Convention; Primary; Spoils; Voters.
- Cost of direct primary: 522-525.
- Counting boards: 770-771.
- County committee. *See* Committee, county.
- Cox, George B.: 427.
- Cox, James M.: presidential candidate, 619, 648 n.
- Craft unions: 155-156, 286 and n.
- Crawford County System: 344-345.
- Croker, Richard: 419 and n., 430, 431 n., 445, 446, 447 n., 452.
- Croly, Herbert: on regulation of parties, 227; on party system, 236; on Hanna, 378, 643-644, 644 n., 645; on bosses, 424, 425, 426 n., 427, 428-429, 429 n.; on direct primary, 525; on overburdened voter, 526-527; on cost of presidential nomination, 553 n.; on publicity in campaign, 610, 615; on McKinley's campaign speeches, 619 n., 620 and n.
- Cumulative voting in Illinois: 737.
- Curley, Jim: 434.
- Curry, John F.: 418, 419 n., 433 n., 444 and n., 455 n.
- Cushman, R. E.: on nonpartisan primary, 482 and n.
- Dallinger, F. W.: on party caucus, 311 n.; on primary, 327; on unit rule, 580 n.
- Daniell, F. R.: on convention demonstration, 576 n.
- Dark horse in convention: 588-589.
- Dawes, Charles G.: 594, 606 n.
- Deadlock in convention: 589-591.
- Declaration of Independence. a party platform, 309.
- Deficits in campaign funds: 651-653.
- De Leon, Daniel: 283, 284, 288 and n.
- Democracy: parties necessary under, 3, 5-6, 218-219; definition of, 14-16; first establishment of, 17-18; its evolution in the United States, Chapters II-IV; Jacksonian, 325, 341, 427, 451; advocated by progressives, 341-342; its dubious future, 470; its discouragement of talent, 520-521.
- Democracy, Jacksonian. *See under* Democracy.
- Democratic convention book: 650-651.
- Democratic party: 249-254; in the Solid South, Chapter III; attitude on woman suffrage, 95-96; favored by organized labor, 162-164; and Nonpartisan League, 174; secession of Gold Democrats (1896), 295; its origin and history, 249-279; its new character in 1896, 261-263; its present composition, 263 and n.; popular vote (1892-1936), 269 n.
- Democratic societies: 310.
- Depressions: effect on parties, 271-272, 296-297.
- Designating committees: 357, 519.
- Designating conventions: 350-351, 356, 493-496, 513.
- Designation of candidates for primary (*see also* Designating conventions): 490-492.
- De Tocqueville, on American politics: 200, 224 n.

- Dewey, Thomas E.: 454.
 Direct legislation. *See* Legislation, direct.
 Direct primary. *See* Primary, direct.
 District leader. *See* Ward leader.
 Donnelly, Thomas C.: on absent voting, 704 n.
 Doob, L. W.: on propaganda, 123 n., 124, 128 n.
 Dooley, Mr.: on platforms, 191 n.
 Dooling, James J.: 418, 433, 444.
 Dorr's rebellion: 28-30.
 Doubtful states: their importance to parties, 204-205; presidential candidate chosen from, 204, 579-580; significance in campaign, 626.
 Dunn, A. W.: 378, 559 n., 567 n., 578 n., 590 n., 626.

 Economic basis of party: 196-200.
 Educational test. *See* Literacy test.
 Eire. *See* Ireland.
 Election board. *See* Board.
 Election district. *See* Precinct.
 Election district captain. *See* Precinct committeeman.
 Elections (*see also* Ballot; Board; Polling booths; Polling places; Voting machines; Voters; Watchers): actual vote in, 699-702; hours of voting, 764; proceedings before polls open, 764-765; challenging voters, 765-766; process of voting, 765-768; assistance to voters, 768-769; counting the votes, 769-771; double election boards, 770; central count, 771; canvassing boards, 771.
 Elections, federal power to control: 44-45, 191, 334 n., 352, 529-531, 674-678.
 Elections, multiplication of (*see also* Ballot; Voters): 680, 681 n.; illustrations of, 683; argument for, 683-684, 684 n.; unfortunate results of, 683-686; confuse voter, 699; keep him from voting, 699-702.
 Elections, nonpartisan: 731-732; argument for, 239; argument against, 240; significance of, 357-358, 483, 731; Boston system, 478; following non-partisan primary, 479-480.
 Elections, presidential: map showing results, op. p. 272.
 Elections, separation of local and national: 238-242, 688.
 Elective office. *See* Elections.
 Electorate. *See* Suffrage; Voters.
 Enforcement act (1870): 44-46.
 England: opposition leader paid, 218 and n.; parties, 229 and n.; deposits by candidate, 358 n., 478, 490; party magazines, 372 n.; party bosses in XVIII century, 429 and n.; system of nominations, 477, 478; party campaign literature, 617 n.; campaign expenditures, 635-636, 658, 669-671; short ballot, 682-683; actual vote polled, 702; form of ballot, 731-732, 746 n.; replica, op. p. 682.
 Enrolment system. *See* Primary, closed.
 Environment: effect on party affiliation, 214-215.
 Era of Good Feelings: 249.
 Exline, Frank: on public opinion, 110; on newspapers, 138 n.

 Farewell Address. *See* Washington, George.
 Farley, James A.: 246, 273, 374, 390, 436, 562, 602 and n., 604 and n., 607 n., 612 n., 613 n., 619 n., 622 n., 627 n.
 Farm Bloc: 168, 180-181, 268.
 Farm Bureau Federation. *See* American Farm Bureau Federation.
 Farmer-Labor party: its origin, 160; its failure, 160, 299-300; endorses La Follette (1924), 296.
 Farmer-Labor party of Minnesota: 174.
 Farmers' Alliance: 168.
 Farmers as proletarians: 160-162, and 160 n.
 Fassett committee: 419 n.
 Favorite for presidential nomination: 588.
 Favorite sons: 553, 588.
 Federalist party: 245-249; its collapse explained, 248-249; opposed to convention system, 314; lack of organization, 315.
 Fees for candidates in primaries and elections: 358 n., 478, 487 and n., 490 and n.
 Fifteenth Amendment. *See* Amendments.
 Finances of campaign. *See* Campaign finance.

- Fletcher, D. U.: on overburdened voter, 709.
 Floaters: 728.
 Flynn, Edward J.: 434.
 Foley, James A.: 418.
 Foley, Thomas F.: 445-448.
 Follett, M. P.: on neighborhood groups, 237 and n.
 Foraker, J. B.: defends conventions, 518 and n.
 Ford, H. J.: on party, 206, 209; on bosses, 428; on party platform, 567, 569 n.; on excess of elections, 687.
 Forecasting election results: 627-631.
 Foster, William Z.: 284 and n., 287 and n., 293 and n., 300.
 Foulke, W. D.: on organized groups, 142.
 Fourteenth Amendment. *See* Amendments.
 Fox, D. R.: on suffrage, 26.
 France: parties in, 231 and n.
 Franchise. *See* Suffrage.
 Frank, Glenn: 277, 564.
 Freeman, Edward A.: 10.
 Free silver. *See* Money question.
 Free Soil party: 188, 255, 282.
 French Revolution: influence on parties, 247-248.
 Front porch campaign: 619-622, 619 n.
- Gallup, George: 11, 12, 72 n., 275, 628-631.
 Garfield, James A.: and patronage, 383-384 n., 573 n., 590.
 Garrigues, Charles H.: on bosses, 424-425 n., 425-426 n., 432, 433, 437-438.
 Gaston, H. E.: on Nonpartisan League, 173 n.
 Geiser, Karl F.: on long ballot, 520.
 General Federation of Women's Clubs: 105.
 George, Henry: on machine politics, 729.
 Germany: parties in, 231 and n.; vote cast in elections, 702.
 Gompers, Samuel: his prolonged leadership, 158, 427; on party politics, 162; quoted, 163, 164 n.
 Gooch, R. K.: on white primary, 63 n.
 Good government associations: 143-146.
 Goodnow, F. J.: on party, 200-201; on bosses, 414, 429-430.
 Good Templars: 147.
 Gosnell, H. F.: 97, 140 n., 399 n., 400-401 n., 401 n., 403, 441 n., 442, 475 n., 700 n., 701 n., 761 n.
 Gould, Jay: 330.
 Government by consent. *See* Opinion, public.
 Graft. *See* Spoils.
 Grandfather clause: in Alabama, 48; in Oklahoma, 51-52, 52 n., 56-57; in the South generally, 51-53; in Maryland, 52, 56; held unconstitutional, 52, 56-57.
 Granger movement. *See* National Grange.
 Great Britain. *See* England.
 Greeley, Horace: on Know-Nothing party, 188 n.; presidential candidate (1872), 294, 623 n.
 Green, William: 157 n., 158, 164, 427.
 Greenback party: 161, 168, 297.
 Groups, organized: their effect on public opinion, 141-142; their variety, 142; compared with parties, 143 and n.; good government associations, 143-146, reform associations, 146-151; capitalistic groups, 151-154; working-class groups, 154-165; agrarian groups, 166-184; group pressure criticized, 182-184.
 Groups, party, in Europe: 227-228.
 Guffey, Joseph: 435 and n., 436.
 Guild, F. H.: on party organization, 397-398; on direct primary, 519.
- Hague, Frank: 412, 419 n., 431, 432.
 Hall, A. B.: on direct primary, 503, 519 n., 525-526.
 Hamilton, Alexander: on social cleavages, 197; his fiscal measures, 245-246; on party organization, 315.
 Hamilton, John D.: 374, 380, 574.
 Hancock, W. K.: on Australian parties, 201 n., 222 n.
 Hanna, Marcus A.: Republican leader, 264; national chairman, 376, 378, 602; collection of campaign funds by, 643-645.
 Harding, W. G.: elected President, 267-268; leadership of party, 386-387; convention speech, 574; nomination of, 590 and n.; front porch campaign, 619, 622-623 n.
 Hare plan: 737-742.

- Harris, J. P.: on precincts, 399 n., 758 n., 759 n.; on plethora of elections, 688 and n.; on absent-voting laws, 706; on registration, 711 n., 719 and n., 721 and n.; on voting machines, 750 n., 751 and n., 753, 754; on patronage, 758-759 n., 763-764.
- Hatch act: 75 n., 596, 633 n., 637 n., 642, 649 n., 650, 654, 674 n., 678-679.
- Hawley-Smoot tariff: 270.
- Headquarters. *See* Campaign.
- Hearst, W. R.: 137, 299, 634.
- Hofstadter Committee: 458-459.
- Holcombe, A. N.: on party cleavages, 193, 196 n., 201-202 n., 206 n., 214 n., 252; on economic basis of party, 196 n., 211 n., 250 and n., 255; on Woodrow Wilson, 266; on minor parties, 303.
- Holt, Rush D.: on sale of convention book, 631.
- Honest Ballot Association: 759 n., 767 n.
- Hoover, Herbert: and Solid South, 39 n., 40 n., 67, 68-70, 71, 193, 270, 621; as President, 269-270, 374, 388-389, 601, 608 and n.
- Hopkins, Harry: 639, 640-641.
- Horack, F. E.: on party organization, 519.
- Horwill, George: on P. R., 739-740.
- Howe, Louis McHenry: 602, 603, 616-617.
- Hughes, C. E.: 380 n.; favors woman suffrage, 95 n.; presidential candidate, 95 n., 267, 295; on direct primary, 343-344 and n., 355, 357, 495-496, 519, 527; attitude towards patronage, 452, 457; on party organization, 527; his campaign speeches, 625 n.
- Huxley, A.: on propaganda, 126 n.
- Ibáñez, V. Blasco: on convention demonstrations, 575 n.
- Illiteracy: 35 n.
- Immigrants: influence in politics, 31-36, 208-209.
- Independence League, 336.
- Independent nominations. *See* Nomination by petition.
- Indiana ballot: 735-736; modified type of, 736.
- Indifference of electorate: *See* Voters.
- Industrial unions: 155-156, 286 and n.
- Industrial Workers of the World: 288-289 and n.
- Initiative (*see also* Legislation, direct): 468, 690-696.
- Inspectors. *See* Board, precinct election.
- Insurgents. *See* Progressives.
- Ireland: parties, 229 n., 230 n.
- Italy: parties in, 231 n.
- Jackson, Andrew: 223, 250, 382.
- Jacksonian democracy. *See* Democracy.
- Jefferson, Thomas: on democracy, 17-18; on origin of parties, 194, 196; founds Republican party, 246; his strategy, 248-249.
- Johnson, Hiram W.: on nonpartisan elections, 480-481.
- Johnson, Hugh S.: on New Deal, 274, 275.
- Judges: recall of, 696.
- Judges, election. *See* Board, precinct.
- Judicial decisions: recall of, 696 n.
- Kales, Albert M.: on bosses, 427-428 n.; on long ballot, 526, 692 n.
- Kansas-Nebraska bill: 254, 282.
- Kelly, Edward J.: 418 n., 420 n.
- Kelly, Frank V.: 434.
- Kendall, Amos: 382.
- Kent, Chancellor: on suffrage, 26-27.
- Kent, Frank R.: on Negro suffrage, 49 n., 50 n., 52, 59 n., 71 n., 72 n.; on Republican party in South, 59 n.; on woman suffrage, 99 n.; on national committee, 375 n.; on precinct captain, 400; on job-holders, 404 n.; on state leadership, 409; on bosses, 423 and n., 435-436 n., 444; on ward clubs, 449; on corrupt practices acts, 668-669, 668 n.
- Kidd, Benjamin: 6 n.
- Knights of Labor: 283.
- Know-Nothing party: 188 n., 280 and n.
- Knox, Frank: 623, 624 n.
- Krock, Arthur: on Franklin Roosevelt, 436 n.
- Ku Klux Klan: 192 n., 280-281 n., 565, 568 n.

- Labor. *See* American Federation of Labor.
- Labor party: proposed, 158-165, 293 and n.
- Labor Reform party: 294, 297.
- Labor's Nonpartisan League: 165.
- La Follette, P.: founds National Progressives, 276, 301-302.
- La Follette, Robert M.: election to Senate, 139; presidential campaign (1924), 161, 164, 212 n., 268, 295-296, 300-301; on party, 203 n.; his platform in 1924, 300; his struggle with party machine, 347-348; establishes direct primary, 349; his leadership in Wisconsin, 415.
- Landon, Alfred M.: 380, 571 n., 572 n.
- Laski, H. J.: on two-party system, 233-234; on party, 237-238.
- Lawrence, David: on Negro vote, 73.
- Leadership. *See* Party leadership.
- League. *See* Anti-Saloon League; Municipal Voters' League; National Civil Service Reform League; Nonpartisan League.
- League of Nations: 267.
- Legislation, direct: initiative and referendum, 468, 691; history of adoption, 691-692; voters indifferent towards, 692-694; publicity pamphlet used for, 694-696.
- Legislative blackmail: 463-465.
- Legislative caucus. *See* Caucus, legislative.
- Lemke, W.: 274 n., 301.
- Lewinson, Paul: on Negro suffrage, 59, 60, 61, 63.
- Lewis, A. H.: on Croker, 422, 431 n., 447 n.; on Tammany bosses, 448 n., 449 n.
- Lewis, Sir G. C.: on public opinion, 112.
- Lewis, John L.: 155, 156, 157, 301.
- Lewis, Wyndham: 117 and n.
- Liberal Republican party: 294.
- Liberty party: 188, 253, 281.
- "Lily Whites" in South: 39 n., 61, 66, 71, 193, 270, 368.
- Lincoln: 256, 417 n.
- Lindsey, B. B.: 453, 760.
- Lippmann, Walter: on propaganda, 125 and n.; on newspapers, 129, 130; on New Deal, 274; on party machine, 439-440; on incompetence of voters, 684-685 n.; on overburdened voters, 686, 689.
- Liquor interests. 149; and woman suffrage, 86 and n.; expenditures in politics, 149 n.
- Literacy test for voting: 31-35; New York law, 32-34; its use in the Solid South, 47, 48-49.
- Literary Digest* poll: 629.
- Logan, E. B.: 375 n.
- Long, Huey: 432, 435.
- Lorwin, L. L.: 163, 164 n., 293 n.
- Louisiana primary. *See* U.S. v. *Classic*.
- Lowell, A. L.: on weighing opinion, 108-109; public opinion defined by, 112 n., 113-114, 115-116, 115 n.; on party, 211 n., 219, 231 n.
- Lumley, F. E.: on propaganda, 122, 123 n.
- Lynching: 71.
- McAdoo, William G.: 585, 590.
- Macaulay, Lord: on origin of parties, 193-196.
- McCabe, Joseph: on political corruption, 152 n.
- McCombs, W. F.: 534, 558.
- McCooley, John H.: 434.
- Macgregor, D.: 609 n., 623-624 n.
- Machine, party. *See* Party machine.
- Machine, voting. *See* Voting machine.
- MacIver, R. M.: on two-party system, 233 n.
- McKellar, Senator: 638 and n., 646 and n.
- McKinley, William: 261, 417 n.; his attitude towards Solid South, 67; his party leadership, 378, 384; his campaign speeches, 619, 620 and n., 621.
- McKinley Tariff: 260, 261.
- Macmahon, Arthur W.: on Farm Bloc, 181.
- Macy, Jesse: on party, 238; on machine politics, 343 and n.; on national committee, 375; on Jackson, 382.
- Madison, James: on economic basis of party, 197-198, 199; on the evils of faction, 216.
- Maine, Sir H. S.: 15 n., 107, 212-213.
- Maine, September election in: 628-629.
- Maps: political areas, op. p. 12; results of presidential elections, op. p. 272.

- Massachusetts ballot: 730, 732, 734-735; modified type, 735.
- Maxey, C. C.: on ballot, 511.
- Mazet committee: 419, 430, 452.
- Mencken, H. L.: on convention city, 537 n.
- Merit system: 331, 468 and n.
- Merriam, C. E.: on voters, 97, 701 n.; on primary reform, 333 n., 337-338.
- Michels, Robert: on oligarchy, 324, on civic indifference, 701.
- Michelson, Charles: 373, 608 n., 609, 610 n., 612.
- Militancy. 90-94.
- Mill, J. S.: on secret voting, 729 n.
- Miller, Kelly: on Negro suffrage, 58.
- Millis, Walter: on propaganda, 127 and n.
- Millsbaugh, A. C.: on direct primary, 519-520 n.
- Minor, Virginia L.: claims right to vote, 83.
- Minor parties: 212, 229, 232, 272 n., 274 n.; their history described, 280-302; their importance, 302-304.
- Minority representation: 736-742.
- Missouri Compromise: 250, 253, 254, 282.
- Money question: 260-261; issue in 1896, 261-263; minor parties and, 297-299.
- Montesquieu: 6 and n., 325 n.
- Moon, Congressman: advocates long ballot, 683-684.
- Mott, Lucretia: suffrage leader, 80.
- Mugwumps: 294 and n., 302 n.
- Muir, Ramsay. 232 and n.
- Municipal Voters' League: 143-144.
- Munro, W. B.: on bosses, 412, 418.
- Murphy, Charles F.: 411 and n., 415, 418, 419, 420 n., 427, 433, 434, 444, 446.
- Myers, Gustavus: on William Sulzer, 411 n., on graft in contracts, 466.
- Myres, S. D.: on Solid South, 73.
- National chairman (*see also* Committee, national): 375-376 n.; dominates national committee, 375-376; not leader of party, 376, 378; qualities required in, 376, 603; appointed by candidate, 377-378; relations with President, 378, 386; directs campaign, 602, 603-604.
- National Civil Service Reform League: 146.
- National committee. *See* Committee, national.
- National Council of Women: 105.
- National Grange: 166-167, 270.
- Nationalistic groups: and parties, 192.
- National League of Women Voters: 104-105, 105 n.
- National Progressives: 276, 301-302.
- National Republicans: 251, 317, 318.
- National Woman's party: 90, 93-94, 103 and n., 106 n., 146.
- Negro: voting rights in New York, 27; proportion in Solid South, 38 and n.; Republican party and, 39 n.; constitutional amendments affecting, 40-43; enfranchisement, 40-48, 257; disfranchisement by force, 44, 257; disfranchisement by law, 46-50, 710; laws tested in courts, 54-57; extent of disfranchisement, 57-66; political apathy, 58-60; excluded from Southern primaries, 61-66; Texas "white primary" law invalid, 62 and n., 63-65; lynching, 71, 72; relief for unemployment, 72; migration to North, 72 and n., 73.
- Newberry, T. H. (*see also* Newberry case): his election to Senate, 522, 676; seated in Senate, 676 n.; resignation, 676 n.
- Newberry case: 64, 65, 334 n., 353, 531, 676-677. *See also* *U.S. v. Classic*.
- New Deal: 73, 124-125 n., 161-162, 273-274, 277, 289, 648.
- News, distortion of: *See* Newspapers.
- New South Wales: opposition leader paid, 218.
- Newspapers: and public opinion, 129-140; their important rôle, 129-130, growing criticism of, 130-137; attitude of journalists, 133; popular taste to blame, 135; dangers in multiple-ownership, 136-137; proposed reforms, 137-139; their influence, 139-140; national committee and, 373; their use in election campaign, 609-610; party press, 372 n.
- Nomination by petition: 358, 476-479; signatures required for, 477-478; fees required for, 478.
- Nominations (*see also* Caucus; Convention; Nomination by petition; Primary): 473; not regulated in Eu-

- rope, 223 n.; legal regulation of, 225-227.
- Nonpartisan elections. *See* Elections, nonpartisan.
- Nonpartisan League: 168, 169-177, 187, 187-188 n.; its formation, 170-171; Townley's leadership, 171-172; his program, 172-173; its tactics, 172-173, 174, 504; expansion of, 174-175; its decline, 175-177.
- Nonpartisan nominations. *See* Primary, nonpartisan.
- Nonpartisan primary. *See* Primary, nonpartisan.
- Norris, G. W.: on partisanship, 470.
- O'Connor, T. P.: on Croker, 415.
- Odegard, P. H.: on Anti-Saloon League, 150-151.
- Office, appointive. *See* Spoils.
- Office, elective. *See* Elections.
- Office-group ballot. *See* Massachusetts ballot.
- Office-holders. *See* Civil Service; Spoils.
- Ogg, F. A.: on election of 1916, 267; on President Wilson, 386.
- Oligarchy: inevitable in all governments, 324; its significance in U.S. politics, 323-324, 325, 367 n., 527.
- Olvany, George: 418, 419 n., 433 and n., 444 and n.
- Opinion, public (*see also* Propaganda; Groups, organized): as shown in elections, 108; rôle of minority in forming, 108-109, 112-115; its nature, 111-117, 680, obstacles to its formation, 118-122; borrowed opinions, 119-122; propaganda, 122-129; rôle of newspapers in forming, 129-139, 373, rôle of organized groups, 141-184, 680; long ballot impedes formation of, Chapter XXV.
- Organization. *See* Party organization.
- Orth, S. P.: quoted, 410-411 n.
- Ostrogorski, M.: on party system, 234-236; on party caucus, 312-313; on convention system, 316, 321-322, 322 n., 323 n., 327 n., 329, 340 n.; on party committees, 372 n., 361 n.; on party machine, 439; on bosses, 425 n.; on national convention, 555, 556-557, 594-595; on speech of acceptance, 571.
- Overacker, Louise: 370 n., 546 n., 600 n., 609 n., 611, 633 n., 634 n., 649 n., 650 n., 652 n., 653.
- Overman, Senator L. S.: 95.
- Owen, Russell: on campaign, 604 n.
- Pankhurst, Mrs. E.: 90, 91-92.
- Parker, A. B.: presidential candidate, 571 n., 621 n.
- Parker, John M.: 265, 295 n.
- Partisanship: decline of, 469-470, 481, 517.
- Party (*see also* Minor parties; and under the various party names): essential function, 3, 5-6, 207, 217-219; formerly condemned, 3, 216-217; two-party system, 3, 227-234; similarity of platform criticized and explained, 4, 200-206; later approved, 5-6, 218-219; need of organization, 7, 219-223; statutory regulation of, 9, 222-227, 332-338; contrasted with other groups, 143 and n.; formulates policies, 187-189, 191-192; definitions of, 187-192, 225, 488-489; seeks to control government, 189-190; origin explained, 192-200; criticism of party system, 201-204, 234-242; its value to the country, 206-212; influence of environment on, 214-215; effect of depressions on, 271-272, 296-297; new, 304, 489 and n.
- Party affiliation. *See* Party membership.
- Party-column ballot. *See* Indiana ballot.
- Party committees. *See* Committee.
- Party councils: draft platforms, 351-352; how composed, 351-352; proposed national, 529-530.
- Party emblem on ballot: 735 and n.
- Party history (*see also* Minor parties): four main periods, 243-244; Federalists and Republicans, 245-249; Whigs and Democrats, 249-254; Republicans and Democrats, 254-279.
- Party leadership (*see also* Boss; Party machine; Ward leader): national chairman, 376-377; presidential candidate, 378; contrast with British practice, 379; rôle of President, 379-392; Woodrow Wilson's view, 381-382; state chairman, 409-410; governor, 410; U. S. Senator, 411; boss,

- Party leadership (*continued*)
410-412; leader and boss contrasted, 413-422.
- Party machine (*see also* Boss; Party organization; Ward leader): its methods, 326-328; defined, 439-440; controlled by bosses, 440-441; county and ward units, 441-444; sustained by spoils, 450-466; reform movements, 466-469.
- Party membership (*see also* Primary, closed; Primary, open): not regulated in Solid South, 62, 500 n., 502-503; Socialist party, 160 and n., 161, 173, 506-507; in nineteenth century, 224, 327; regulated by law, 335-337, 354, 516-518; in two convention states, 485-486; change of affiliation, 485, 504-505; and candidates in primary, 496-497; fixed by party committees, 503-504; personal declaration of, 504, 505; leniency of tests criticized, 516-517.
- Party organization (*see also* Boss; Caucus; Committee; Convention; Party leadership; Party machine; Primary): its necessity, 7, 220, 307; regulated by law, 9, 222-226, 332-338; later appearance in Europe, 220-222; effect of regulation, 226-227, 335-336; development of regulation, Chapters XII and XIII; hierarchy of conventions and committees, 322-323, 395-396; national agencies, Chapter XIV; in Solid South, 394 and n.; arrangements in Indiana, 396-398; in convention states, 485-486; main objects of, 473; effect of direct primary on, 518-519.
- Party platform. *See* Platform, party.
- Party press: 372 n.
- Party responsibility under direct primary: 518-519.
- Party test. *See* Party membership.
- Pasters: 474-475.
- Patronage. *See* Spoils.
- Paul, Alice: 146, suffrage leader, 89; establishes Woman's party, 90; her militant activity, 90, 92-94; on Woman's party, 93-94.
- Peel and Donnelly: 372 n., 608 n., 609 n., 610 n., 704 n.
- Pendergast, Tom: 420 n., 431 and n.
- Penrose, Boies: boss of Pennsylvania, 411, 414, 418, 420, 427.
- People's party. *See* Populists.
- Pepper, George Wharton: 522-523.
- Perlman, Selig: on labor politics, 159, 162.
- Personation: 728.
- Petition. *See* Nomination by petition.
- Pinchot, Gifford: on 1926 primary, 523.
- Platform, party: lack of definite principles, 4, 200, 205-206; criticism of, 4, 202; justification of, 4, 202-206; Whigs and Democrats, 253; Republican plans for 1940, 277, 564; first appearance of, 318 and n.; how drafted in states, 351-352, 513-516; President Wilson's attitude towards, 385-386 n.; national, how drafted, 563-571; its elaborate character, 566; its evasions, 567-568; attitude of politicians towards, 569-570; speech of acceptance more influential, 570-573.
- Platt, T. C.: 383 and n., 409 and n., 413, 414, 420-421, 430, 452-453, 453 n.
- Plunkitt, G. W.: on starting in politics, 402 n.; on bosses, 455 and n.; on district leaders, 445 n.; on holding a district, 446-447; on spoils, 450-451, 456-457, 457-458.
- Political areas: map, op. p. 12.
- Politicians: their oligarchical power, 323-330; their function, 325, 331, 425-429, 451; their efficiency, 427 n., 428.
- Polling booths: 756.
- Polling places: selected by precinct committeeman, 755-756; public buildings as, 755-756; arrangement of, 757.
- Pollock, James K.: 97 n., 528, 633 n., 693 n., 725.
- Polls. *See* Elections; Polling places.
- Poll tax: 47, 48 and n.
- Populists: in South, 67, 298; origin and history, 168, 261, 263, 298-299, 303-304.
- Porter, Kirk H.: on suffrage extension, 27-28; on literacy test, 31; on Negro suffrage, 46 n.; on woman suffrage, 86 n.
- Precinct: 755; importance, 398; size, 398-399; number in U.S., 399.
- Precinct committeeman: how chosen, 400; his importance, 400-401; his tactics, 401-404; chooses polling

- places, 755 and n.; chooses local election officers, 758.
- Precinct election board. *See* Board, precinct election.
- Preference primary. *See* Primary, presidential.
- Preferential ballot. *See* Ballot, preferential.
- Preferential voting. *See* Ballot, preferential.
- President as party leader. *See* Party leadership.
- Presidential candidate. *See* Candidate, presidential.
- Presidential nomination. *See* Convention, national.
- Presidential primary. *See* Primary, presidential.
- Press. *See* Newspapers.
- Primary (*see also* Party membership, Primary, direct; Primary, nonpartisan): Negroes excluded in South, 44-66; judicial decisions on statutes, 54-57; Texas "white primary" law invalid, 62, 63-65; corrupt practices act and, 64, 65, 334 n., 353, 676; trickery by politicians, 326-328; statutory regulation, 332-338; laws in two convention states, 485-486.
- Primary, closed (*see also* Party membership): defined, 500; tests fixed by party, 500 n., 503-504; challenge system, 504-505; enrolment system, 505-506.
- Primary, direct (*see also* Ballot; Convention, designating; Convention, post-primary; Party membership; Primary, closed; Primary, open): 226; its establishment, 8, 341-350; its regulation by law, 8, 222-226, 345-349; Socialist party and, 395 n., 496, 506, 507; Negroes excluded in South, 61-66; optional statutes, 61 n., 346, 407, 483; Texas law invalid, 62, 63-65; federal corrupt practices act and, 64, 65, 334 n., 353, 531, 674-679; conducted under party rules, 65, 344-345, 394 n., 407; cost of, how defrayed, 65; participation of women in, 96; invasion of, 172-173, 174, 187, 187-188 n., 501-502; effect of regulation, 226-227; its principle condemned, 342; conditions favoring its establishment, 343; early development, 344-347; Wisconsin law, 347-349; existing legislation, 349-351; problem of platform, 351-352, 513-516; loss of faith in, 353-354; arguments in favor of and against, 354-357; conducted like election under law, 486-487; dates of, 487-488, 599 n.; designation of candidates for, 490-492; 493-496; Hughes plan for, 495-496, 519; limitations upon candidacy in, 496, 497; open and closed primaries, 500-507; minority nominations, 507-512, 516, preferential ballot, 509-511, 743; run-off, 511-512; cost of, 522-525; publicity pamphlets, 524; fees, *see* Fees.
- Primary, nonpartisan: 357-358, 359, 479-483; its real significance, 359, 483, 731; for city offices, 479; for county offices, 480; for judicial offices, 480 and n.; for legislative offices, 480-481; criticism of, 481-483.
- Primary, open: 226; defined, 500, found in eight states, 501; method of voting in, 501-502; effects of, 502, 503.
- Primary, preference: *See* Primary, presidential.
- Primary, presidential: 353, 546-554; enactment of state laws, 353, 530; repeal of state laws, 354, 530, 548; its significance in 1912, 529; advocated by President Wilson, 529-530; Progressives and Democrats favor, 529 n.; history of legislation, 547-548; laws declared unconstitutional, 548 and n.; existing legislation, 548-549; classification of laws, 546-547, 549-550; effect of preference vote, 550-551; failure to influence convention choice, 552-555; expenditures in campaign, 553-554.
- Primary, white: *See* White primary.
- Progressive party: favors woman suffrage, 94 n.; its formation and history, 265-266, 295, 299, 304.
- Progressives (insurgents): their program, 341-342; their influence, 469; their reforms criticized, 689.
- Progressives, National: 276, 301-302.
- Prohibition (*see also* Anti-Saloon League; Liquor interests; Temperance): and woman suffrage, 86 and n.; agitation for, 148-151; attitude of parties towards, 205 and n., 265-266.
- Prohibition party: its evolution, 148-149, 283.

- Propaganda: 122-129, and Chapters VI and VII *passim*.
- Property qualification for suffrage: 19-22; abolition of, 23-31; arguments favoring, 26-27; their revival in Solid South, 47, 48, 50.
- Proportional representation: "list plan" in Europe, 737-738, 737 n.; "Hare plan," 737-742; advantages of, 739; objections to, 739-740; its adoption in U.S., 740-742.
- Protection. *See* Tariff.
- Public opinion. *See* Opinion, public.
- Publicity. *See* Campaign, election; Corrupt practices acts.
- Publicity pamphlets: 351 n., 514, 524, 655-656, 656-658, 694-696.
- Pudding ballots: 729 n.
- Quay, Matthew S.: 419, 541.
- Radin, Max: 694 n.
- Radio: used by parties, 611-614.
- Railroads. as issue in politics, 258.
- Raskob, John J.: 373-374, 380, 602 n.
- Recall: 468, 696-698.
- Reconstruction acts (1867): 41, 43 n.
- Reed, James A.: 573.
- Reed, T. H.: on party, 241.
- Referendum (*see also* Legislation, direct): 468, 691-696.
- Reform associations: 146-151.
- Registration: evolution, 711, 712-713; in urban and rural areas, 712; New York legislation, 713-714; Pennsylvania legislation, 713-715; Indiana legislation, 716; personal, 717; non-personal, 717-718; periodic, 718-719; permanent, 713, 716-726; its progress, 719-720; its economy, 721; its other advantages, 721-723; purging records of, 724-726.
- Regulation of parties. *See* Party.
- Religion in politics: 192 and n.
- Repeating: 728.
- Representation of minorities: 736-742.
- Republican party (of Jefferson): 245-249.
- Republican party: in Solid South, 38-40, 59, 66-75; its interest in Negro suffrage, 67; advocates woman suffrage, 95; and Nonpartisan League, 172-173, 187-188 n.; and Farm Bloc, 181; its origin and history, 254-279; and schism of 1912, 264-266.
- Revolution, American: and suffrage, 24.
- Riegel, O. W.: on propaganda, 125 n.; on press, 136.
- Riordon, W. L.: *See* Plunkitt.
- Robinson, Claude E.: on straw votes, 628-631.
- Robinson, E. E.: 309 n.
- Rogers, Will: on conventions, 556 n.
- Roosevelt, Franklin Delano: 244; press support of, 139 and n.; elected President, 272, 381; reelected, 272; achievements, 272-276, 389-392; and patronage, 274-275, 436; and expenditures, 275; and labor, 276; and court, 276; intervention in primaries, 390-392; and speech of acceptance, 572; and two-thirds rule, 585-587; and campaign speeches, 619 n.
- Roosevelt, Theodore: 382, 384, 578; holds party together, 264; leads Progressive party, 265-266, 295; on presidential leadership, 383, 384-385 and n.; on bosses, 410 n., 414 and n., 415-416, 427 n., 430 and n., 440, 448, 452-453, 453 n.; on legislative backmail, 463-464, 463 n., as campaigner, 623, 624-625; on party funds, 645-646, 645 n., 646 n., 654-655.
- Root, Elihu: on suffrage, 23; on party, 219 and n., 232 and n.; on bosses, 413, 414; on civic apathy, 701.
- Roraback, J. H.: 420, 431, 432.
- Ross, E. A.: on newspapers, 131, 138 n.
- Ross, J. G.: 100-101, 105 n.
- Rousseau: on general will, 113; on majorities, 114.
- Rowell, Chester H.: on party conventions, 340, 349-350, on direct primary, 354, 502-503, 516, 516-517, 519 n., on party responsibility, 518 n.
- Run-off primary: 511-512.
- Salisbury, William: on journalism, 132 and n., 133 and n.
- Salter, J. T.: 400 n., 404 n., 434 n., 435, 442 and n.
- Sample ballots: 746.
- Seabury, Samuel: investigation by, 458-459.
- Sectionalism: 11, 210; map, op. p. 12.
- September elections: 628-629.

- Seventeenth Amendment. *See* Amendments to Constitution.
- Shaw, Anna Howard: suffrage leader, 85; on militancy, 90 n.
- Short ballot. *See* Ballot, short.
- Shouse, Jouett: 374, 560.
- Shuler, N. R. *See* Catt.
- Siegfried, A.: on propaganda, 125-126.
- Sinclair, Upton: on newspapers, 130, 134.
- Slavery: its abolition, 41; women active against, 77, 78; effect on parties, 250, 255.
- Slemp, C. Bascom: 68 n., 387, 540.
- Smith, Alfred E.: in 1928, 70, 192 n., 269, 372, 373, 380, 410, 571 n., 577, 578, 585, 590, 599 n., 602 n.
- Smith, Senator E. D.: 75, 641 n.
- Smith, Goldwin: on press, 129 n., criticizes party system, 234.
- Snap primary: 326 n.
- Snell, B. H.: 572, 651 n.
- Socialist Labor party: 283-284, 285.
- Socialist party: 188, 282-290; nomination of candidates by, 395 n., 496, 506-507; attitude towards farmers, 160 and n., 296 and n.; endorses La Follette, 161, 289 n., 296; repudiates Nonpartisan League, 173; platforms of, 285-287, 513 n.; its origin and character, 282-290; its membership, 284; its popular vote, 284; its attitude towards labor unions, 285-286, 285 n., 293 and n.; towards capitalism, 285 and n., 287, 289; towards Communists, 287, 497 n.; schism in, 288-289; its organization, 292 n., 363 n., 395 n.; national conventions of, 537 n.
- Solid South (*see also* Negro): 257-258, 265, 266 n., 269, 270, 271, 368, 369, 394 n., 407, 487, 710; composition of, 12, 36-39; percentage of Negroes in, 38 and n.; party alignments in, 39-40, 298; federal patronage in, 39 and n., 638; Republican party in, 39, 40, 65-75, 368; Negro suffrage established in, 40-43; white ascendancy restored, 44; suffrage laws, 46-50; Oklahoma grandfather clause held invalid, 51-52, 56-57; validity of laws attacked, 54-57; extent of Negro vote, 57-66; "white primary," 61-66; Texas "white primary" law held invalid, 62, 63-65; tests of party membership, 62, 500 n., 502-503; statutory regulation of parties, 334 and n., 530-531 n.; conduct of primary, 65, 345-346; its persistence, 66-75; economic changes in, 67-68; danger of democratic schism, 74-75, 298; large vote in primary, 346; party organization, 394 and n., 487; preferential ballot used, 510; run-off primary, 511-512; delegates in Republican conventions, 540-544; small vote in election, 700.
- Sons of Temperance: 147.
- Soule, George: on propaganda, 124.
- South. *See* Solid South.
- Speech of acceptance, 570-573, 599-600.
- Spools: Franklin Roosevelt and, 274-275, 436; as sustenance of machine, 450-466; Plunkitt on, 450-451; elective offices as, 451-452; appointive offices as, 452-456; evil effects of, 455-456; honest and dishonest graft, 456-457; sale of privileges and protection, 460-461; graft in taxation, 461-462; blackmailing corporations, 463-465; graft in contracts, 465-466; civil service reform, 468; assessment of office-holders, 637, 638, 642, 668.
- Stalin: on propaganda, 128-129 n.
- Stampede in convention: 588 and n., 589 and n.
- Stanton, E. C.: on rights of women, 77-78, 81 n.; suffrage leader, 80, 84; on women during Civil War, 81 n.
- Stanwood, Edward: on Federalist party, 248; on presidential leadership, 382 n.; on bosses, 416-417; on dark horse, 589 n.
- Stark, Lewis: on craft unions, 155-156.
- State chairman: 409-410.
- Steed, Wickham: on propaganda, 123-124.
- Steffens, Lincoln: on big business in politics, 424 n.
- Steinbicker, Paul B.: on absent-voting laws, 706 n.
- Stephen, Sir James: on majority rule, 113.
- Sticklers: 474-475.
- Stirner, Max: on civic apathy, 701, 707.
- Stone, Alfred Holt: on Negro suffrage, 43, 48 n., 59 n.
- Stone, Lucy: suffrage leader, 84.

- Stone, Melville E.: on campaign speeches, 623, 625 n.
- Straw votes: 627-631.
- Strike bills: 463-465.
- Strunsky, Simeon, 701 n.
- Stub on ballot: 744-746.
- Stump tour in campaign: 619 and n., 622-625.
- Suffrage, manhood: Chapter II *passim*; equivalent to democracy, 16; in England, 17; in France, 17; established first in U.S., 18; limited by religious tests, 18-19; by property tests, 19-22; by tax-paying test, 21, 24 and n., 25, 27, 28, 29, 30; by literacy tests, 31-35; abolition of property tests, 23-31; aliens and, 35-36; registration, Chapter XXVI; suffrage limitations in South, Chapter III.
- Suffrage, Negro. *See* Negro; Solid South.
- Suffrage, woman. its widespread adoption, 76 n.; early opposition to, 80-82; established in Wyoming, 82; agitation before 1910, 84-86; period of victories, 87-89; campaign in New York, 87-88; work of Woman's party, 92-94; federal suffrage amendment, 94; results of woman suffrage, 96-106.
- Suffragettes, English: 89, 90, 91-92.
- Sullivan, "Big Tim": 445.
- Sullivan, Christopher D.: 418, 419 n., 433, 444.
- Sulzer, William: 410, 410-411 n.
- Sumner, Helen L.: on woman suffrage, 100, 101 n., 102 n.
- Supreme Court: on Fifteenth Amendment, 45-46, 54-57; holds grandfather clause invalid, 52, 56-57; holds Texas "white primary" law invalid, 62, 63-65; on woman suffrage, 83; on federal regulation of primary, 64-65, 75, 353, 531, 676-679.
- "Swing around the circle." *See* Stump tour.
- Taft, W. H.: 571; on Solid South, 67; his administration, 264-266, 384-385; his defeat in 1912, 266; on party leadership, 385 n.; message of 1912, 393.
- Tammany: 87, 329, 330, 411 and n., 443-444, 448-449 n.; its bosses, 418, 433-434, 444 and n.
- Tariff: its rôle in politics, 259-260, 264, 270, 643.
- Taxation: an opportunity for graft, 461-462.
- Tax-paying suffrage qualification: 21, 24, 25, 27, 28, 29, 30.
- Temperament as a cause of party: 193-195.
- Temperance (*see also* Prohibition): women advocate, 77-78, 78 n., 80 n.; American Temperance Society, 147; Sons of Temperance Union, 148; National Temperance Society, 149 n.; Women's Christian Temperance Union, 149 n.
- Templars, Good: 147.
- Texas "white primary" law invalid: 62, 63-65.
- Thayer, W. R.: on party, 201 n.
- Theocracy: in New England colonies, 18-19.
- Third term: 279, 590.
- Thirteenth Amendment. *See* Amendments.
- Thompson, C. W.: on campaign methods, 601 n., 624; on campaign funds, 644 n.
- Thompson, Mildred: on woman suffrage, 99, 100, 102.
- Thorpe, F. N.: on suffrage, 25.
- Tilden, Samuel J.: 257.
- Times* (Los Angeles): on Franklin Roosevelt, 390-391 n., 392 n.
- Times* (New York): on President Hoover, 68-69 n., 69 and n.; on President Coolidge, 387-388; on Franklin Roosevelt, 390-391; on La Follette, 415; on ward bosses, 450; on direct primary, 496-497 n., 520-521; on Anti-Saloon League, 525 n.; on length of convention, 558 n.; on platforms, 566, 567; on convention demonstrations, 576-577; on national campaign, 606, 618 n., 623 n.; on September election, 627-628 n.; on sale of convention book, 650-651; on voting machines, 754 n.
- Tingsten, Herbert: on woman suffrage, 98-99.
- Tocqueville. *See* De Tocqueville.
- Tomsky: 6.
- Townley, A. C.: and Nonpartisan League, 169, 170; his leadership, 171-

- 172, 411; his program, 172-173; his resignation, 176.
- Treasurer of national committee. *See* Committee, national; Campaign finance.
- Trusts: as party issue, 258.
- Tumulty, J. P.: on Wilson campaign of 1916, 621.
- Tweed, William Marcy: 330, 429, 433.
- Two-party system: 227-234.
- Two-thirds rule: in Democratic convention, 584-585; abolition, 562 n., 585-587.
- Tydings, Senator M. E.: 74 n., 506 n., 640.
- Union, Congressional (*see also* National Woman's party): 90.
- Union of South Africa: parties, 230 n.
- Union Labor party: 297.
- Union party (1936): 274 n., 301.
- Unions, trade: craft and industrial, 154-156, 286 and n.
- United Mine Workers: 156, 642.
- United States News* on Franklin Roosevelt: 391 n.
- U.S. v. Classic*: 65, 75, 353, 531, 679.
- Unit rule. never used by Republicans, 580; its history in Democratic party, 580-583; its meaning (1896-1912), 580-582; changed in 1912, 582-584; different practices of parties explained, 584.
- Upham, F. W.: on national convention of 1924, 534 n.; on national committee, 600 n.
- Van Buren, Martin: 282, 584.
- Vare, William S.: 432, 434 and n., 442, 523.
- Villard, O. G.: on chain newspapers, 137.
- Vote by ballot. *See* Ballot.
- Voters (*see also* Ballot; Elections, Negro; Solid South; Suffrage): overburdened, 10, 325, 726-727; colonial electorate, 21-22; apathy of Negroes, 58-60; indifference of women, 96-98; general apathy, 325-326, 328, 699-709; corruption of, 423; burdened by direct primary, 520-521, 526-527; their neglect of primary, 526-528; give boss free hand, 686-687; burdened by direct legislation, 690; indifference to direct legislation, 692-694; statistics of non-voting, 701-703; remedies for non-voting, 707-709; compulsory vote, 708-709.
- Voting machine: 747-755; description of, 748; for proportional representation, 748 and n.; merits of, 749-751; how extensively used, 751-752; objections to, 752-754; illustrations, ob. p. 748.
- Ward club: 449-450.
- Ward committee: 441-444.
- Ward leader: 444-449.
- Ware plan: 743.
- Washington, George: condemns party, 5, 217.
- Watchers at polls: 756, 766-768, 767 n.
- Webb, Sidney: on democracy, 16 and n.
- Wells, H. G.: on democracy, 15.
- Wells, Marguerite. 104, 142.
- West, Victor J.: on direct primary, 481, 522 and n.
- Whig party: 249-254, 255.
- White, W. A.: on organized groups, 183.
- "White primary": 61-66.
- Whitlock, Brand: on party, 215.
- Wickersham commission: 270.
- Will, popular. *See* Opinion, public.
- Williams, Aubrey: 639-640.
- Williams, B. H.: on direct primary, 509, 510.
- Willkie, W. L.: 279, 377 n., 380, 572 n., 579 and n., 587, 602 n., 607, 608, 619, 622, 623, 628, 631 n.
- Wilmot, David: on Southern convention delegates, 540-541.
- Wilson, Woodrow: 578; position on woman suffrage, 92, 93, 94, 95, 96, 385-386 n., 569-570; on constitution, 207; on parties, 240; elected President, 266-267, 295; advocates direct primary, 344; advocates national direct primary, 352, 529-530; on presidential leadership, 381-382; his leadership, 385-386; attitude towards platform, 385-386 n., 569-570; speech of acceptance, 571 n.; campaign speeches, 619, 621; on overburdened

- voter, 685; on short ballot, 689.
 Wilson tariff: 260 and n.
 Woman suffrage. *See* Suffrage, woman.
 Woman's party, National. *See* National Woman's party.
 Women: on national committees, 193 n., 363-364, 370; on local committees, 397 n., 405 n., 406 and n.; as convention delegates, 538 n., 557 n.
 W.C.T.U.: 77 n., 149 n.
 Women Voters, National League of. 104-105.
 Woody, W. H.: 439 n., 451 n., 523 n.
 Wolf, Leonard: 236 n.
 Workers' party: 291, 300.
 WPA: 639, 640.
 "Writing in": 473-475.
 Young, Kimball: on "publics," 111-112; on newspapers, 129 n.

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